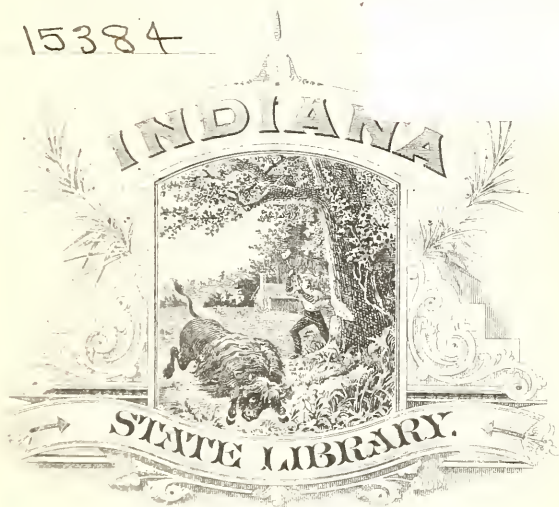


Accession Number.

Class Number

15384



April 1, 1889















JOURNAL  
OF THE  
HOUSE OF REPRESENTATIVES,  
OF THE  
STATE OF INDIANA,  
DURING THE  
THIRTY-NINTH SESSION  
OF THE  
GENERAL ASSEMBLY,  
COMMENCING THURSDAY, JANUARY 8, 1857.

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INDIANAPOLIS:  
JOSEPH J. BINGHAM, STATE PRINTER.  
1857.

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# JOURNAL

OF THE

## HOUSE OF REPRESENTATIVES,

*During the thirty-ninth session of the General Assembly of the State of Indiana, begun and held in the city of Indianapolis, on Thursday, the eighth day of January, in the year of our Lord one thousand eight hundred and fifty-seven, being the day fixed by law for the meeting of the same.*

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The House of Representatives being called to order by John Levering, Principal Clerk of the last House of Representatives, the following members appeared, produced their credentials, and were sworn into office by the Honorable Sam'l. B. Gookins, one of the Judges of the Supreme Court of the State of Indiana, and took their seats, viz:

*For the County of Adams.*—David Studabaker.

*For the County of Allen.*—Pliny Hoagland.

*For the County of Bartholomew.*—Francis P. Smith.

*For the Counties of Benton and White.*—William Hawkins.

*For the County of Blackford.*—Andrew J. Neff.

*For the County of Boone.*—Henry M. Marvin and Edmund Herod.

*For the County of Brown.*—William Taggart.

*For the County of Carroll.*—Bernard F. Schermerhorn.

*For the County of Cass.*—W. J. Cullen.

- For the County of Clark.*—James L. Wallace.  
*For the County of Clay.*—James W. Modesitt and George W. Duncan.  
*For the County of Clinton.*—John W. Blake.  
*For the County of Crawford.*—John Landiss.  
*For the County of Daviess.*—Thornton A. Slicer.  
*For the County of Dearborn.*—John Lewis and George W. Lane.  
*For the County of Decatur.*—Davis Batterton.  
*For the Counties of Dekalb and Steuben.*—Stephen D. Ward and Thos. B. Sloss.  
*For the County of Delaware.*—Marcus C. Smith.  
*For the County of Dubois.*—Thomas Shoulders.  
*For the County of Elkhart.*—Milton Mercer.  
*For the County of Fayette.*—Charles M. Stone.  
*For the County of Floyd.*—Michael C. Kerr.  
*For the County of Fountain.*—Ezekiel McDonald.  
*For the County of Franklin.*—Spencer Wiley and Levi Ayres.  
*For the County of Fulton.*—Alfred H. Robbins.  
*For the County of Gibson.*—Caleb Trippet.  
*For the County of Grant.*—Thomas J. Neal.  
*For the County of Greene.*—Andrew Humphreys.  
*For the County of Hamilton.*—Alexander H. Conner.  
*For the County of Hancock.*—Thomas D. Walpole.  
*For the County of Harrison.*—Benjamin P. Douglass.  
*For the County of Hendricks.*—John Davis.  
*For the County of Henry.*—William Grose and N. H. Ballenger.  
*For the Counties of Howard and Tipton.*—M. T. Evans.  
*For the Counties of Huntington and Wells.*—Adam McDaniel.  
*For the County of Jackson.*—Samuel St. Clair Early.  
*For the Counties of Jasper and Pulaski.*—John Reese.  
*For the County of Jay.*—Joseph J. McKinney.  
*For the County of Jefferson.*—David C. Branham and John W. Hutchings.  
*For the County of Jennings.*—Smith Vawter.  
*For the County of Johnson.*—Dillard Ricketts.  
*For the County of Knox.*—James D. Williams.  
*For the County of Kosciusko.*—George Moon.  
*For the County of Lagrange.*—Samuel P. Williams.  
*For the County of Lake.*—Alexander McDonald.  
*For the County of Laporte.*—George Crawford.  
*For the County of Lawrence.*—Robert Boyd.  
*For the County of Madison.*—Thomas G. Clark and Thos. N. Stillwell.  
*For the County of Marion.*—Robert N. Todd and Jonathan W. Gordon.  
*For the Counties of Marshall and Starke.*—Eli Brown.  
*For the County of Martin.*—Cutter S. Dobbins.  
*For the County of Miami.*—Reuben C. Harrison.  
*For the County of Monroe.*—Elias Abel.

*For the County of Montgomery.*—Joseph Allen.

*For the County of Morgan.*—Alexander B. Conduitt.

*For the County of Noble.*—William M. Clapp.

*For the County of Orange.*—William F. Sherrod.

*For the County of Owen.*—George W. Moore.

*For the County of Parke.*—George K. Steele.

*For the County of Perry.*—Ballard Smith.

*For the County of Pike.*—G. Massey.

*For the County of Porter.*—Andrew B. Price.

*For the County of Posey.*—Magnes T. Carnahan and William P. Edson.

*For the County of Putnam.*—Wm. F. McGinnis.

*For the County of Randolph.*—S. Colgrove.

*For the County of Ripley.*—Abram Yater.

*For the County of Scott.*—Samuel S. Crowe.

*For the County of Shelby.*—Thomas A. McFarland.

*For the County of Spencer.*—Stephen D. Williamson.

*For the County of St. Joseph.*—George C. Merrifield.

*For the County of Sullivan.*—John W. Davis and Michael Branson.

*For the Counties of Switzerland and Ohio.*—John W. Wright and John J. Hayden.

*For the County of Tippecanoe.*—John M. Larue.

*For the County of Union.*—Elijah Van Sandt.

*For the County of Vanderburgh.*—Charles Denby.

*For the County of Vermillion.*—S. Whitcomb.

*For the County of Vigo.*—Sol. Claypool and Wm. H. Bryan.

*For the County of Warren.*—George D. Wagner.

*For the County of Warrick.*—Thomas F. Bethell.

*For the County of Washington.*—John A. Bowman and J. W. Reyman.

*For the County of Wabash.*—James D. Conner.

*For the County of Wayne.*—Henry W. Shuman, Jas. M. Austin and W. C. Jefferis.

*For the County of Whitley.*—Lewis Adams.

Upon the county of Rush being called,

Mr. Humphreys objected to administering an oath of office to Mr. Leonidas Sexton, claiming a seat from said county;

Pending the discussion of which,

On motion by Mr. Davis of Sullivan,

The House proceeded to the election of Speaker by a *viva voce* vote.

*Those who voted for Ballard Smith, a Representative from the county of Perry, were,*

Messrs. Abel, Allen, Ayres, Bryan, Bethell, Blake, Bowman,

Branson, Brown, Carnahan, Clark, Claypool, Conduitt, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Harrison, Hayden, Herod, Hoagland, Humphreys, Kerr, Landiss, Lane, Lewis, Marvin, Modesitt, Moore, McDaniel, McDonald of Fountain, McFarland, McGinnis, McKinney, Neff, Reese, Reyman, Ricketts, Schemerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Stillwell, Studabaker, Taggart, Trippet, Wallace, Walpole, Wiley, Williams of Knox, Williamson, Wright, and Yater—59.

*Those who voted for William Grose, a Representative from the county of Henry, were,*

Messrs. Austin, Ballenger, Batterton, Boyd, Branham, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Davis of Hendricks, Evans, Gordon, Hawkins, Hutchings, Jefferis, Larue, Mercer, Merrifield, Moon, McDonald of Lake, Neal, Price, Shuman, Sloss, Smith of Delaware, Steele, Stone, Todd, Van Sandt, Vawter, Wagner, Ward, Whitcomb, and Williams of Lagrange—35.

Ballard Smith, having received a majority of all the votes cast, was declared by the clerk, duly elected Speaker of the House of Representatives for and during the present session, and was conducted to the Chair by Messrs. Grose and Humphreys ;

Whereupon, the Speaker returned his thanks as follows :

*Gentlemen of the House :*

It is a distinguished honor to be called on to preside over a deliberative assembly, having the character and experience which this body has, and I accept the position which has been assigned me, with some degree of embarrassment. I trust however, to your generous forbearance, for a time, until I shall become accustomed to the duties of the chair, and to the ordinary nature of legislative business.

We are here from the different parts of the State, representing all its varied interests, but having for one single purpose the advancement of our noble commonwealth, in its course of prosperity and greatness. I am assured, therefore, that we shall all unite heartily in the business of the session, and advance as rapidly as we can the many important matters that may be presented for our deliberation and action. In the administration of my office, I shall endeavor to extend to each member that courtesy, which is due from the incumbent of this chair, and am satisfied that the same courtesy will be reciprocated by the House, and that by harmonious action, we shall make a session, creditable to ourselves and to



our respective constituency. I thank you, gentlemen, for the compliment which you have paid me.

On motion by Mr. Davis of Sullivan,  
The House proceeded to the election of a Principal Clerk.

*Those who voted for William R. Bowes were,*

Messrs. Abel, Adams, Allen, Ayres, Bryan, Bethell, Blake, Bowman, Branson, Brown, Carnahan, Clark, Claypool, Conduitt, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Harrison, Hayden, Herod, Hoagland, Humphreys, Kerr, Landiss, Lane, Lewis, Marvin, Modesitt, Moore, McDaniel, McDonald of Fountain, McFarland, McGinnis, McKinney, Neff, Reese, Reyman, Ricketts, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Stillwell, Studabaker, Taggart, Trippet, Wallace, Walpole, Wiley, Williams of Knox, Williamson, Wright, and Yater—60.

*Those who voted for George A. Chapman were,*

Messrs. Austin, Ballenger, Batterton, Boyd, Branham, Clapp, Congrove, Conner of Hamilton, Conner of Wabash, Crawford, Davis of Hendricks, Evans, Gordon, Grose, Hawkins, Hutchings, Jefferts, Larue, Mercer, Merrifield, Moon, McDonald of Lake, Neal, Price, Shuman, Sloss, Smith of Delaware, Steele, Stone, Todd, Van Sandt, Vawter, Wagner, Ward, Whitcomb, and Williams of Lagrange—36.

William R. Bowes, having received a majority of all the votes given, was declared duly elected Principal Clerk for and during the present session, was sworn into office by the Speaker and entered upon the discharge of his duties.

On motion by Mr. Humphreys,  
The House proceeded to the election of an Assistant Clerk.

*Those who voted for James R. Bracken were,*

Messrs. Abel, Adams, Allen, Ayres, Bryan, Bethell, Blake, Bowman, Branson, Brown, Carnahan, Clark, Claypool, Conduitt, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Harrison, Herod, Hoagland, Humphreys, Kerr, Landiss, Lane, Lewis, Marvin, Modesitt, Moore, McDaniel, McDonald of Fountain, McFarland, McGinnis, McKinney, Neff, Reese, Reyman, Ricketts, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Stillwell, Studabaker, Taggart, Trippet, Wallace, Walpole, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker—59.

*Those who voted for Richard M. Haworth were,*

Messrs. Austin, Ballenger, Batterton, Boyd, Branham, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Davis of Hendricks, Evans, Gordon, Grose, Hawkins, Hayden, Hutchings, Jefferis, Larue, Mercer, Merrifield, Moon, McDonald of Lake, Neal, Price, Shuman, Sloss, Smith of Delaware, Steele, Stone, Todd, Van Sandt, Vawter, Wagner, Ward, Whitcomb, Williams of Lagrange, and Wright—38.

Mr. Bracken, having received a majority of all the votes given, was declared duly elected Assistant Clerk for and during the present session, was sworn into office by the Speaker of the House, and entered upon the discharge of his duties.

On motion by Mr. Dobbins,

The House proceeded to the election of Doorkeeper.

*Those who voted for Solomon Akers were,*

Messrs. Abel, Adams, Allen, Ayres, Bryan, Bethell, Blake, Bowman, Branson, Brown, Carnahan, Clark, Claypool, Conduitt, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Harrison, Hayden, Herod, Hoagland, Humphreys, Kerr, Landiss, Lane, Lewis, Marvin, Modesitt, Moore, McDaniel, McDonald of Fountain, McFarland, McGinnis, McKinney, Neff, Reese, Reyman, Ricketts, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Stillwell, Studabaker, Taggart, Trippet, Wallace, Walpole, Wiley, Williams of Knox, Williamson, Wright, Yater, and Mr. Speaker—61.

*Those who voted for Mr. Emmons were,*

Messrs. Austin, Ballenger, Batterton, Boyd, Branham, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Davis of Hendricks, Evans, Gordon, Grose, Hawkins, Hutchings, Jefferis, Larue, Mercer, Merrifield, Moon, McDonald of Lake, Neal, Price, Sherman, Sloss, Smith of Delaware, Steele, Stone, Todd, Van Sandt, Vawter, Wagner, Ward, Whitcomb, and Williams of Lagrange—36.

Mr. Akers, having received a majority of all the votes given, was declared duly elected Doorkeeper for and during the present session, was sworn into office, and entered upon the discharge of his duties.

Mr. William M. Clapp, a representative from the county of Noble, appeared, presented his credentials, was sworn into office, and took his seat.

On motion by Mr. Davis of Sullivan,  
The following resolution was adopted :

*Resolved*, That the Senate be informed that the House of Representatives is organized by electing Ballard Smith, Speaker; William R. Bowes, Principal Clerk; Jas. R. Bracken, Assistant Clerk; and Solomon Akers, Doorkeeper, and that they are ready to proceed to legislative business.

On motion by Mr. Sherrod,  
The following resolution was adopted :

*Resolved*, That the Doorkeeper be authorized to appoint two boys to act as pages to this House during the present session.

On motion by Mr. Denby,  
The following resolution was adopted :

*Resolved*, That the reporters of the city newspapers be permitted to occupy seats upon the floor and within the bar of the House, to be assigned them by the Speaker.

On motion by Mr. Steele,  
The following resolution was adopted :

*Resolved*, That the rules that governed the last House of Representatives be adopted for the government of the present House.

On motion by Mr. Price,  
The following resolution was adopted :

*Resolved*, That the Principal Clerk cause to be printed for the use of the members of this House, 200 copies of the rules and orders of this House for the last session.

On motion,  
The House adjourned until 2 o'clock P. M.

2 o'clock P. M.

House met.

On motion by Mr. Crowe,

*Resolved*, That the Clerk of the House be authorized to appoint the usual number of assistants.

On motion by Mr. Studabaker,

*Resolved*, That the Doorkeeper be instructed to procure and lay on the desk of each member, one copy of the Revised Statutes of 1852; also, one copy of the acts of the General Assembly of A. D. 1853 and 1855.

On motion by Mr. Blake,

*Resolved*, That the Doorkeeper procure and lay on the table of each member, a copy of the Journals of the House for the session of 1855, and that he be directed to present a copy thereof to each of the elected officers of the last session.

On motion by Mr. Moore,

*Resolved*, That the Doorkeeper be required to furnish each member of this House with a copy of the rules and joint rules of the last legislature, at as early an hour as possible.

Mr. Denby offered the following resolution :

*Resolved*, That the Doorkeeper be instructed to subscribe for and procure to be laid upon the desk of each member of this House during the present session, three copies of the following newspapers, to-wit : The Daily State Sentinel, The Daily Journal, The Weekly Volksblatt, and the Weekly Locomotive, two of which copies respectively shall be enveloped.

Mr. Gordon moved to amend the resolution as follows:

By adding the "Indiana Free Press and the Western Presage."

The question being submitted,

The ayes and noes were demanded by Messrs. Lane and Gordon.

*Those who voted in the affirmative were,*

Messrs. Austin, Ballenger, Batterton, Boyd, Branham, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Davis of Hendricks, Evans, Gordon, Grose, Hawkins, Hutchings, Jefferis, Larue, Mercer, Moon, McDonald of Lake, Neal, Price, Shuman, Sloss, Smith of Delaware, Steele, Stone, Van Sandt, Vawter, Wagner, Ward, Whitcomb, Williams of Lagrange, Wright, and Mr. Speaker—36.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Allen, Ayres, Bryan, Bethell, Blake, Bowman, Branson, Brown, Carnahan, Clark, Claypool, Conduitt, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Harrison, Hayden, Herod, Hoagland, Humphreys, Kerr, Landiss, Lane, Lewis, Marvin, Modesitt, Moore, McDaniel, McDonald of Fountain, McFarland, McGinnis, McKinney, Neff, Reese, Reyman, Ricketts, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Stillwell, Studabaker, Taggart, Trippet, Wallace, Walpole, Wiley, Williamson, and Yater—58.

So the amendment was not adopted.

Mr. Colgrove moved to amend as follows :

Strike out all except the "Sentinel" and "Journal."

The ayes and noes were demanded by Messrs. Colgrove and Gordon.

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Ayers, Ballenger, Boyd, Branham, Branson, Brown, Carnahan, Clapp, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Cullen, Davis of Hendricks, Douglass, Duncan, Evans, Gordon, Hawkins, Hutchings, Jefferis, Kerr, Larue, Mercer, Merrifield, Modesitt, Moon, McDonald of Fountain, McDonald of Lake, Neil, Price, Reese, Ricketts, Shuman, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stone, Taggart, Todd, Van Sandt, Vawter, Wagner, Ward, Whitcomb, and Williams of Lagrange.—52.

*Those who voted in the negative were,*

Messrs. Adams, Bryan, Batterton, Bethell, Blake, Bowman, Clark, Conduitt, Crow, Davis of Sullivan, Denby, Dobbins, Early, Edson, Grose, Harrison, Hayden, Herod, Hoagland, Humphreys, Landiss, Lane, Lewis, Marvin, Moore, McDaniel, McFarland, Mc-

Ginnis, McKenney, Neff, Reyman, Sheriff, Shoulders, Stillwell, Trippet, Walpole, Wiley, Williamson, Wright, and Yater.—43.

So the amendment was not adopted.

On motion by Mr. Carnahan,

The resolution and amendment were laid on the table.

Mr. Lane moved to reconsider the vote just taken.

The ayes and noes were demanded by Messrs. Lane and Carnahan.

*Those who voted in the affirmative were,*

Messrs. Austin, Bryan, Batterton, Bethell, Boyd, Branham, Brown, Clapp, Claypool, Colgrove, Conner of Wabash, Conner of Hamilton, Conduitt, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Duncan, Edson, Evans, Gordon, Grose, Hawkins, Hayden, Humphreys, Hutchings, Jefferis, Landiss, Lane, Larue, Lewis, Marvin, Mercer, Merrifield, Modesitt, Moon, McFarland, McKinney, Neff, Price, Ricketts, Schermerhorn, Shoulders, Shuman, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stone, Taggart, Todd, Van Sandt, Vawter, Wagner, Wallace, Ward, Whitcomb, Williams of Lagrange, Wright, Yater, and Mr. Speaker.—62.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Allen, Ayres, Bowman, Branson, Carnahan, Clark, Crowe, Cullen, Douglass, Early, Harrison, Herod, Hoagland, Kerr, Moore, McDaniel, McDonald of Fountain, McDonald of Lake, McGinnis, Reese, Reyman, Sherrod, Slicer, Stillwell, Studabaker, Trippet, Walpole, Wiley, and Williamson.—31.

So the vote was reconsidered.

On motion,

The resolution and amendments were referred to a select committee of five, consisting of Messrs. Humphreys, Denby, Gordon, McDaniel, and Lane.

On motion by Mr. Gordon,

*Resolved*, That the Doorkeeper be instructed to subscribe for and lay on the table of each member, three copies of the Weekly Indiana "Volksblatt," and a like number of copies of the "Indiana Free Press," of Indianapolis, all of which shall be enveloped.

Mr. Dobbins offered the following resolution :

*Resolved*, That the Doorkeeper be instructed to report to the House the names of the Assistant Doorkeepers employed by him.

Which was not agreed to.

On motion b **M** Davis,  
The House adjourned until to-morrow morning at 9 o'clock.

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FRIDAY MORNING, 9 o'clock, }  
January 9, 1857. }

The House met pursuant to adjournment.  
The Journal of yesterday was read and adopted.

On motion by Mr. Studabaker,

*Resolved*, That the duties usually imposed upon and performed by a Sergeant-at-Arms, be performed by the Doorkeeper of this House without additional pay.

A message from the Senate by Mr. Harvey, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have adopted the following resolution :

*Resolved*, That the Senate have met and organized by the election of Jonathan S. Harvey, as Principal Secretary; James N. Lyner, as Assistant Secretary; Simeon Cheeny, as Doorkeeper, and Joshua S. McDowell, as Sergeant-at-Arms, and are now ready to proceed to legislative business.

On motion by Mr. Dobbins,

*Resolved*, That a committee of two be appointed by this House, to act with a similar committee on the part of the Senate, to wait on his Excellency, the Governor, and learn from him when he will make his usual communication to this General Assembly, and that the Senate be informed of the adoption of this resolution.

On motion by Mr. McFarland,

*Resolved*, That a committee of two on the part of the House, to



act with a similar committee on the part of the Senate, be appointed to wait on the Rev. David Stevenson and request him to attend in the Hall of the House of Representatives, to-morrow morning at 9 o'clock, to open the session with prayer, and that the Senate be invited to attend, and that seats be provided for them within the bar of this House.

*Resolved*, That the Senate be informed of the adoption of the foregoing resolution.

Messrs. McFarland and Denby were appointed said committee, on behalf of the House.

On motion by Mr. Studabaker,

*Resolved*, That the joint rules which were in force for the government of the General Assembly at its last session, be adopted by this House as the rules of joint action for conducting business at its present session, and that the Senate be informed of the adoption of this resolution, and their concurrence therein requested.

Alfred H. Robbins, a representative from the county of Fulton, appeared, produced his credentials, and was sworn into office by the Speaker.

On motion by Mr. Blake,

The rules were suspended and leave given him to introduce

A bill to regulate the salary of the Governor, and to repeal all former enactments relating thereto.

Which was read a first time, and passed to a second reading.

Mr. Studabaker moved to suspend the rule and read the bill a second time, now,

The ayes and noes were taken.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ballenger, Bethell, Blake, Bowman, Branham, Branson, Brown, Bryan, Claypool, Conner of Hamilton, Conduitt, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Evans, Gordon, Harrison, Hoagland, Hutchings, Kerr, Landiss, Lewis, Marvin, Modesitt, Moon, Moore, McDaniel, McDonald of Fountain, McFarland, McGinnis, McKinney, Neff, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Steele, Stillwell, Studabaker, Taggart, Trippet, Wallace, Williams of Lagrange, Williamson, Wright, Yater, and Mr. Speaker—62.

*Those who voted in the negative were,*

Messrs. Ayres, Batterton, Boyd, Carnahan, Clapp, Clark, Col-

grove, Conner of Wabash, Crawford, Davis of Hendricks, Grose, Hawkins, Hayden, Herod, Jefferis, Larue, Mercer, Merrifield, McDonald of Lake, Neal, Price, Shuman, Sloss, Smith of Delaware, Stone, Todd, Van Sandt, Ward, Whitcomb, Wiley, and Wright—31.

So the rules were suspended and the bill read a second time.

Mr. McDonald submitted the following amendment :

Amend by adding Supreme Judges \$600.

Circuit Judges \$500.

Mr. Grose moved to amend the amendment as follows:

That the Judges of the Supreme Court be allowed an annual compensation of eighteen hundred dollars, and the Circuit Judges thirteen hundred dollars per annum for their services.

Mr. Marvin moved to lay the amendment, and the amendment to the amendment, on the table.

The ayes and noes were demanded by Messrs. McDonald and Lane.

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Ballenger, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Clark, Conduitt, Crowe, Cullen, Davis of Sullivan, Dobbins, Douglass, Duncan, Early, Edson, Gordon, Harrison, Herod, Hoagland, Kerr, Lane, Lewis, Marvin, Modesitt, Moon, Moore, McDaniel, McDonald of Fountain, McFarland, McKinney, Neff, Reese, Reyman, Ricketts, Roberts, Schermerhorn, Sherrod, Shoulders, Slicer, Sloss, Smith of Bartholomew, Stillwell, Studabaker, Taggart, Todd, Trippet, Wallace, Walpole, Ward, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker—61.

*Those who voted in the negative were,*

Messrs. Ayres, Batterton, Clapp, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Davis of Hendricks, Denby, Evans, Grose, Hawkins, Hayden, Humphreys, Hutchings, Jefferis, Landiss, Larue, Mercer, Merrifield, McDonald of Lake, Neal, Price, Shuman, Smith of Delaware, Steele, Stone, Van Sandt, Wagner, Whitcomb, Williams of Lagrange, and Wright—34.

So the motion prevailed.

On motion by Mr. Humphreys,

The following message from the Senate was taken up :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have adopted the following resolution, in which the concurrence of the House is respectfully requested, viz :

*Resolved*, That a committee of two be appointed on the part of the Senate, to act with a similar committee on the part of the House, to wait on his Excellency, the Governor, and ascertain at what time it will be convenient for him to make his annual message to the General Assembly, and that the House be informed of the adoption of this resolution, and that Messrs. Gooding and Murray were appointed said committee on the part of the Senate.

Which resolution was concurred in.

Mr. Moore moved to amend the bill by striking out \$2,500 and insert \$2,000.

Mr. Gordon moved to amend the amendment by striking out \$2,000 and inserting \$3,000.

On motion by Mr. Lane,

The amendment and the amendment to the amendment, were laid on the table.

Mr. Davis of Sullivan, moved to suspend the rule and read the bill a third time, now,

The ayes and noes being taken,

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Ayers, Bethell, Blake, Bowman, Branson, Brown, Bryan, Clark, Claypool, Conduitt, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Evans, Harrison, Herod, Hoagland, Humphreys, Kerr, Lane, Lewis, Marvin, Modesitt, McDaniel, McDonald of Fountain, McFarland, McGinnis, McKinney, Neff, Reese, Reyman, Ricketts, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Steele, Stillwell, Studabaker, Taggart, Trippet, Wallace, Wiley, Williams of Lagrange, Williamson, Yater, and Mr. Speaker.—57.

*Those who voted in the negative were,*

Messrs. Austin, Ballenger, Batterton, Boyd, Branham, Carnahan, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Davis of Hendricks, Gordon, Grose, Hawkins, Hayden, Hutchings, Jefferis, Landiss, Larue, Mercer, Merrifield, Moon, Moore, McDonald of Lake, Neal, Price, Robbins, Shuman, Sloss, Smith of Delaware, Stone, Todd, Van Sandt, Wagner, Walpole, Ward, Whitcomb, Williams of Knox, and Wright—40.

So the rules were not suspended.

The question being shall the bill be engrossed.

On motion by Mr. Humphreys,

The bill was referred to a select committee of thirteen, consisting of Messrs. Humphreys, Davis of Sullivan, Gordon, Blake, Kerr, Denby, Williams of Lagrange, Steele, Lane, Stillwell, Cullen, Taggart, and Studabaker.

On motion by Mr. Kerr,

*Resolved*, That the Clerk be authorized and required to procure from the Clerk of the Supreme Court, copies of the decisions of said court in the cases of Coleman vs. Dobbins, and the Madison and Indianapolis Railroad Company vs. Whiteneck, and that he have three hundred copies of each decision printed for the use of the General Assembly, at the earliest practicable period.

On motion by Mr. Studabaker,

*Resolved*, That the Doorkeeper be required to purchase for the use of the House, three dollars worth of postage stamps for each member, and deliver the same to the members.

Mr. Dobbins, from a select committee, made the following report:

MR. SPEAKER :

The committee on the part of the House to wait upon his Excellency, the Governor, to learn when he would be pleased to make his usual communication to this General Assembly, instruct us to report, that, in conjunction with the Senate committee, they have performed that duty, and that his Excellency informed them he would make his communication at half past two o'clock P. M., this evening.

Mr. Cullen moved the House adjourn.

Which was not agreed to.

On motion by Mr. Colgrove,

*Resolved*, That the Auditor of State be requested to forthwith issue his circular, and direct a copy of the same to the county auditor of each county in this State, requesting such county auditor to report to this House at as early a day as possible, the amount chargeable to and paid out of the county treasury during the years 1855 and 1856, for the expenses of the Court of Common Pleas, including judge's salary, sheriff's fees for summoning jurors for said court, extra allowances to sheriff, allowances to bailiffs, juror's

fees, and all other incidental expenses of said court, chargeable to the treasury of such county.

2d.—Such county auditors are further requested, to report the amount of taxes collected and paid out for township expenses for the last current year; also, the amount paid to township officers for their services; also, the amounts received by the auditor and treasurer of their respective counties as fees and perquisites during said year.

On motion by Mr. Ward,  
The House adjourned until 20 minutes before 2 o'clock, P. M.

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20 MINUTES BEFORE 2 O'CLOCK, P. M.

The House met.

Mr. Ward submitted the following resolution :

*Resolved*, That the reporters for all the newspapers, who may desire it, be permitted to occupy seats on the floor of this House and within the bar, for the purpose of reporting the proceedings of this body.

Which was not agreed to.

On motion by Mr. Denby,

*Resolved*, That the Senate be invited to attend in the hall of the House, *instantly*, to receive the annual communication of his Excellency, the Governor, and that seats be provided on the right of the Speaker's chair.

*Ordered*, That the clerk inform the Senate thereof.

The Speaker laid before the House the message and accompanying documents.

*Gentlemen of the Senate*

*and of the House of Representatives :*

In the name of the people of this State, I welcome you, as their appointed servants, assembled under the constitution and the laws to guard their rights and to promote their welfare. The cares of national polity and foreign diplomacy demand nothing of your immediate oversight. These grave and world-wide interests are

wisely committed to other hands, and to you are left matters of more domestic and peaceful concern—the agricultural, educational, and other civil and industrial interests of your own homes and firesides. Let no difference of opinions, concerning national polity, however actively developed amid recent events, mar the fraternity and unanimity with which you address yourselves to the business of promoting the internal interests, and improving the domestic policy of your own State.

The recent election of a chief magistrate of this great nation, evolved, during its pendency, an unusual degree of popular excitement, attended with acerbity and fears. But the crisis came, and has passed. The silent ballots of four millions of freemen have assuaged popular excitement, and dissipated partisan fears. The people prosecute their usual avocations, and find peace and rest in their domestic interests and pursuits—looking for good, where many have prophesied only evil, and determined to sustain the right, by whatever hand it is administered. In like manner, gentlemen, may the excited discussions in which you have, elsewhere, participated, be forgotten, in the eagerness and unity with which you, here, direct your thought and efforts to the security and advancement of our domestic prosperity.

It affords me pleasure to say that, during the past two years, the general condition of the State has been that of peace and prosperity. All our various interests, agricultural, manufacturing, and commercial, are in a prosperous condition; our State maintains a growing and commanding position among her sisters of the confederacy; the laws, with their benign influence, are respected among our people; and though during the past year, the agricultural interests of some portions of the State have suffered from the drought of the season, yet we have ample cause to render thanks to a superintending providence for the innumerable blessings which have been bestowed on our land and people.

The first subject that demands the consideration of the representatives of the people, is that of the financial condition of the State. It is gratifying to know that economy has been observed in your public expenditures; the interest upon your public debt, promptly discharged; and the reduction of the principal not overlooked.

The amount of the ordinary expenses of the State government, for the year ending October 31, 1855, was \$147,442 61. The same, for the year ending October 31, 1856, was \$59,522 68. The excess of expenditure, for the year 1855, over that of 1856, was caused, mainly, by the expenses of the Legislature, and matters necessarily connected therewith. This expenditure of \$59,522 68, for the ordinary annual expenses of a government of more than one million four hundred thousand inhabitants, is believed to be less than the ordinary annual expenditures of any of our sister States.



Among the first subjects which demand your prompt attention, is that of providing, by law, for the reappraisement of the landed property, for taxable purposes. The propriety of this is so manifest, that, I trust your early action will enable the county officers to commence this work before the expiration of your session.

In accordance with the provisions of the charter of the State Bank of Indiana, its corporate powers will cease on the first of January, 1859—the intervening two years to be occupied in winding up and liquidating its affairs. The State, as joint owner, is deeply interested in the safe and successful closing up of this institution. In the main, it has been managed with prudence and sagacity, and with a view to the profits of the stockholders, and the general interests of the people of the State. Few institutions of the kind have enjoyed, so generally, the confidence of the public. In its organization, the rights of the whole people were secured; the provisions of the charter, and the practice under it, strictly guarding against every species of favoritism. Books for the subscription of stock were faithfully kept open for the space of thirty days. Fortunately for community, and the management of the corporate powers of the Bank, much of the stock was taken, in few shares, by our own farmers, mechanics, and merchants. It commenced its operations, therefore, under the auspices of a favorable public sentiment, and has experienced, throughout its career, instead of hostility, the most decided marks of friendship and good will, at the hands of our citizens. Like all banking corporations, however, it has had its favorites in many portions of the State, and has been, in many respects, a splendid monopoly.

It will be seen from a communication from the President, which is herewith transmitted, that the interest of the State, in the Bank, upon the final closing up of its concerns, after the payment of the bonds issued on account of the capital stock, will, in his opinion, if prudently and safely closed up, amount to a sum of near two millions of dollars. Efforts will be made to divert this vast fund from its appropriate channel, and, in some manner, to control it for the promotion of private interests. In anticipation of such efforts, it is earnestly recommended that no sale, or transfer, of the interest of the State in the Bank, shall be permitted, either to individuals or corporations.

The charter confers ample power, and defines the particular mode in which the affairs of the Bank shall be closed. Its capital is to be converted into cash, and the part belonging to the State paid to the Sinking Fund Commissioners—officers of your own creation, selected from the whole people, and having no connection with the Bank, either as stockholders or borrowers, to be by them invested, as the law may direct, for purposes of Common School Education. A fund so sacred, and for purposes so beneficial to the people of the State, should be, forever, preserved inviolate. It should not be permitted to tempt the cupidity of



individuals, or used to augment the powers, or swell the coffers of any corporate monopoly.

The present mode of investment of the Sinking Fund, is, chiefly, in mortgages upon the real estate of our citizens. The facilities thus afforded for borrowing money, create a spirit of speculation, often terminating in bankruptcy and ruin to the borrower. The long lists of lands forfeited to the Fund, for the non-payment of principal and interest, admonishes us to seek for some other mode of investment, which shall be equally safe and productive. I have repeatedly suggested, and now renew the recommendation, that the Sinking Fund Commissioners should be authorized to invest this Fund, from time to time, as it may accumulate in their hands, in the bonds of the State, under appropriate limitations, as to principal and market value; thus changing the character of our obligations, from a foreign to a domestic debt; the interest upon which, when collected from our own people, shall be immediately re-imbursed to them, in the accomplishment of that high and most ennobling object of human government, the education of our youth. It is a high trust, and will be most truly performed, when we shall connect the education of our children with the character, integrity, and honor of the State. In this manner, at least one-third of our whole foreign indebtedness may be absorbed; thus lessening the burdens of the people, and elevating the financial character of the State.

The entire amount of the Funded Debt of the State, outstanding, is stated by the Auditor of State, as follows:

Of 5 per cent. State stock .....	\$5,156,500
Of 2½ per cent. State stock .....	1,812,577
Total .....	<u>\$6,969,077</u>

The market value of which, estimating the 5 per cent. at eighty-four cents, and the 2½ per cent. at sixty cents, upon the dollar, would be the sum of \$5,419,006.

To show the practicability of converting this foreign debt into a domestic one, the following table is compiled from the report of the Superintendent of Public Instruction, and from the communication of the President of the State Bank:

#### EXHIBIT OF COMMON SCHOOL FUND.

Amount of Special Fund .....	\$1,862,574 90
Amount of Common Fund .....	894,930 15
Bank Tax Fund, on loan from State Treasury ..	6,026 85
Bank Tax Fund, on hand in Treasury .....	10,607 83
Saline Fund, on loan .....	9,689 22
Saline Fund on hand in State Treasury .....	10,531 88

Estimated value of unsold School Lands.....	161,590 00
Estimated value of Sinking Fund in State Bank, to date .....	1,955,461 59
Total .....	<u>\$4,912,012 42</u>

The Sinking Fund Commissioners should be directed, by law, to invest these funds, as they may accumulate in their hands, in the stocks of the State; and they would, alone, be sufficient to absorb nearly our entire indebtedness. The policy, however, of continuing the annual Sinking Fund Tax, for the liquidation of our debt, should not be abandoned. On the contrary, as every interest of the State is buoyant and prosperous, it should, in my judgment, be increased to five cents on the hundred dollars, per annum. If practicable, the first investment, of either our Sinking Fund or School Fund, should be made in the  $2\frac{1}{2}$  per cent. stocks. With this annual diminution of our indebtedness, and the investment of the School Fund as indicated, in less than eight years we shall convert our foreign debt into a home debt; the interest upon which, when drawn from our taxpayers, would immediately be returned to them, in a thousand streams of intelligence, blessing, with their benign influence, parent and child, and elevating to the highest pinnacle of honor the character of our beloved State.

On reference to the report of the Auditor of State, it will be seen that, under the restrictions of the amended Statute, the currency of the Free Banks is amply secured, and fully entitled to public confidence. If banks of issue be necessary at all, they should be as free as possible from the feature of monopoly; and, in this respect, therefore, the system of free banking is entitled to our approbation. To perfect the system, however, a banking department should be created, separate and distinct from all others, but subject to the inspection and supervision of the executive officers and the legislature. The concise and the able report of the Auditor of State, and his valuable suggestions, in this department, are commended to your consideration.

While to other subjects we apply the rigid test of sound, practical, common sense, upon the subject of currency, we cherish the shadow and reject the substance. Not content with such issues as are tolerated by law, the solvency of which has been guaranteed by legal enactment, we have encouraged and fostered the spurious and fraudulent emissions of individuals, plank roads, and insurance companies; all having an origin in our own State, and existing in defiance of law, and sound public sentiment. In addition to this, Indiana has been the great field for the circulation of the worthless and fraudulent issues of other States, sent here by unprincipled speculators, who amass fortunes at the expense of the unwary and credulous. In all these cases, when the bubble bursts, the worthless rags are found in the hands of the poor and

laboring classes. The result of a toleration of this policy, is, to make the rich richer and the poor poorer.

It is in your power to apply the remedy, to protect your constituents from imposition and loss, to prohibit the circulation of an irresponsible currency, by severe penalties, and to prevent, as soon as practicable, the diffusion among our people, of any currency but that which is constitutional, or such as may be promptly convertible into coin. It will be a most fortunate day, when we shall have learned the simple truth, that we can never have steadiness, and permanent prosperity, in the business of the country, so long as we shall continue to encourage any system that converts promises to pay, into money.

It was the intention of the framers of the constitution, and they expressed it in language too plain to be misunderstood, that there should be but one State Bank in Indiana, at the same time; and yet, in the face of this provision, four years before the expiration of the legal existence of the State Bank of Indiana, the Legislature of 1855, chartered a new State Bank, under the name and style of the Bank of the State of Indiana.

It is the spirit of our constitution, that the people are the source of all political power; and, therefore, all legislation affecting their interests, or the character of the State, should emanate directly from them. But, in the case of the charter of the Bank of the State of Indiana, the subject was sprung upon the Legislature, without previous discussion, without notice, without investigation, without any expression of the popular will, and without any indication of public sentiment, in favor of the measure. If such legislation were valid and constitutional, two years before the expiration of the charter of the State Bank, what is there to prevent the present or any succeeding legislature, from extending the monopoly of the business of banking for another period of twenty years, to the same, or other more importunate corporators? If such is to be the interpretation of our constitution, and the practice under it, it is, the sheerest mockery to talk of a government of the people. One mischievous, reckless, or ignorant legislature, in an age, might thus inflict upon the State a catalogue of evils which would require the wisdom of an age for their removal; involving, among other evils, the destruction of one of the main supports of public virtue, the supremacy of the voice of the people at the ballot box.

The means and appliances brought to bear to secure the passage of this charter, would, if exposed to the public gaze, exhibit the darkest page of fraud and corruption that ever disgraced the legislature of any State. While men of pure and honorable sentiment were led into its support, in the belief that the approaching close of the existing bank, required them, thus early, to provide a successor; others supported it upon promise of stock, equivalents in money, or pledges as to the location of particular branches. To make up the constitutional vote in its favor, the names of mem-

bers were recorded in its passage, who were, at that moment, absent, and many miles distant from the Capital. But, if fraud and corruption marked the passage of the bill, the enormities practiced in the location of the branches, and the distribution of the stock, were still more glaring, and, if possible, more deserving of public condemnation. The location of the branches, the privileges of subscribing to its stock; in short, the franchises of the Bank, were bought and sold, like other marketable commodities. In some of the branches, the books for the subscription of stock were kept open but a few minutes, and were then only accessible to parties to the fraud; in other instances, they were opened in out-of-the-way places, known only to a few; and, in scarcely any instance, was full and free opportunity given, for citizens generally, to subscribe. In two or three cases, suits were brought by those who felt aggrieved; but their complaints were stifled by the potent agency of money. In this manner, a majority of the stock, in the seventeen branches first organized, was subscribed by twenty-eight individuals, the largest portion of whom have never been engaged in the business of banking, and have, already, disposed of their stock, to others, at enormous premiums.

It would be interesting and instructive, to have, for comparison, the names of the original, and the present, stockholders. The sudden transfer of stock, would convince the most incredulous, that the charter was procured, not for purposes of banking, but for speculations; for the benefit of the few to the exclusion of the many. The premiums thus realized by the original stockholders, are believed to be not less than one quarter of a million of dollars; all of which must be reimbursed by the laboring and producing classes. Had the State exacted such a bonus from the corporators, to be paid into her treasury, it might, at least, have been said, that, in this respect, the whole people were benefitted.

Having a knowledge of these facts, and regarding the charter as a direct violation of the Constitution, I caused two suits to be brought—one in my own name, and one in the name of the State—for the purpose of testing its validity. The first has been decided, without touching any of the great points involved in the issue. The second is still pending, and will, in its progress, fully test the rights of the corporators. The Supreme Court have already intimated such an opinion, in regard to the adoption of amendments to bills upon the passage, as must, inevitably, render the charter a nullity.

In view of all these facts, it is my solemn conviction, that public credit and confidence can never be given to an institution of this character. I recommend, therefore, that the charter be expunged from the statute books; or, failing in this effort, that all connection between the Bank and the State, either by deposit of funds or otherwise, be prohibited, and that it be prevented from reissuing the notes of the present State Bank, by the penalty of a forfeiture of the securities received therefor.

The charter should be promptly and absolutely repealed, so that no sanction, whatever, to its legal existence shall appear upon your statute books. The safety of the public funds should also admonish you to prohibit the reception of its issues for public dues.

The Legislature owe it to themselves, to the cause of honesty and justice, to the credit of the State, and to the constituents they represent, to take prompt and decisive action in the premises. When the present State Bank shall have been entirely wound up, and all its affairs liquidated, should the people then desire another institution to succeed it, their representatives will come instructed to that end, and can frame a charter which, guarding the rights of all, shall not be subservient to the purposes of private speculation. If it be good, the whole people should be permitted to participate in its benefits; if it be otherwise, it should be promptly suppressed.

It may be said that the new institution is now in the hands of safe and responsible men, and that their rights of property should not be disturbed. In answer, it may be stated that they purchased the stock, with full knowledge of the frauds; that the stock, instead of passing into the hands of our citizens, our farmers, merchants and mechanics, as in the former Bank, is being transferred to men beyond our limits, who have no other interest in the prosperity of our State, than to make it the theatre of their speculations. Nor have we any guaranty, or assurance, that, however solvent the present stockholders, the stock may not, in the first moment of disaster, be transferred to others, without character, or responsibility.

With the extended powers and privileges conferred on this institution—its right to issue post notes, to discount upon deposits, and to defy the scrutiny, or control of the Legislature—it is believed that no prudent capitalist would ever invest his money in it.

On the 3d of July last, a proclamation was issued by the Executive, upon the subject of the apportionment of Senators and Representatives, and their election. The Constitution, which is the paramount law of the land, provides for, and establishes, a General Assembly, to be composed of the members of a Senate and House of Representatives, who are required to hold biennial sessions, at the capital of the State, on the Thursday next after the first Monday of January, 1853, and on the same day of every second year thereafter. Under this Constitution, a legislature enacted and established an apportionment law, dividing the State into senatorial and representative districts. In accordance with that law, the General Assembly of 1854 was elected.

The Legislature thus elected, failed to comply with the requirements of the Constitution, in regard to the making of proper laws to provide for the organization of a future Legislature. This neglect of the General Assembly does not, in any manner, impair, or lessen, the power of the Constitution, as to the necessity of having and sustaining a State Legislature. Surely, the neglect of



one branch of the government to perform its duty, will not, of itself, work a revolution, or destroy the functions of government. It is, in forming Constitutions, an essential principle that the government should contain, within itself, the power of self-preservation.

The Executive Department is invested with no authority to exercise the legislative powers of government; and, in this instance, no legislative power was exercised. The Proclamation, from the necessity of the case, took the existing apportionment, as it stood at the last election under the law, and recommended the election of members to fill the number necessary to make a constitutional Senate and House of Representatives, upon precisely the same *ratio* and apportionment which existed when the General Assembly adjourned. In the same number, representing the same territory and population as when you adjourned, you have assembled at the present time.

Convened under the Constitution, clothed, by the people, with the sovereign power that belongs to a General Assembly, it is your duty to fix, by law, the number of Senators and Representatives that shall compose the future Legislatures, and to apportion such Senators and Representatives among the several counties, according to the number of white male inhabitants, above twenty one years of age, in each.

The cause of Education is second to no other claiming legislative attention and action. Mental development invariably precedes physical improvement. Enlightened mind is the real source of all advancement in agricultural science, mechanical invention, and political progress; and, therefore, the educational interests of the State will merit and receive a share of your attention.

The report of the Superintendent of Public Instruction, for the last year, which has been laid on your table, will present the results of the operation of the school system, during the first year after its latest revision. The wisdom of many of the changes, introduced by your predecessors into our Educational Code, has developed itself more and more, during the two years which has transpired since the revision. Though not perfect, it has fully justified all reasonable expectation, and confirms the belief that it rests on a basis of sound principles, and reliable experience. Suggestions contained in the aforesaid document and the forthcoming report, will, doubtless, receive due consideration. The Library system has more than realized the expectations of its friends, and fully redeemed the pledges of its most earnest advocates. The extent to which it has been used in many townships in various parts of the State, seems almost without a parallel, demonstrating its power and usefulness as an educational instrumentality. I would, most earnestly, recommend that it be made a permanent feature of the system. A reduction of the present tax for its support, of at least three-fifths, would be no detriment to its healthy progress.

The peculiar requisitions of the Constitution, as defined by the

Supreme Judiciary of the State, compel the Legislature to consider the claims of our youth to a period of tuition, adequate to their wants, and equal to their necessities. The townships have, to a great extent, nobly entered on the discharge of their duty, by the erection of school houses; having levied, within two years, more than three-quarters of a million of dollars on the property and polls, for that purpose. Being deprived of the statutory authority to assess a tax for tuition, they look to the Legislature, and demand a redemption of the Constitutional pledge to furnish the requisite amount of funds for this purpose. Is not this claim reasonable? Is it not unquestionable? Is it not just? Then, it should be promptly, and fully met. No consideration of economy should induce the Legislature to postpone the redemption of the educational pledge of the Constitution. Such claims are paramount to all others, and should be so regarded. Of equal urgency and necessity, is the want of competent instructors. Teachers' Institutes, or Normal Schools, are the appropriate remedies for this evil. As the State has not appropriated a dollar to this purpose, heretofore, the questions naturally occur—What does economy demand? What does justice claim? When the townships erect school houses, the State cannot honorably evade, postpone, or repudiate, the obligation to provide the appropriate means for a six months tuition annually for her five hundred thousand children.

The establishment and successful operation of a State Teachers' Association, for the last two years, is an encouraging sign of progress; and the publication of a monthly Educational Journal, by the same Association, is, also, a significant sign, of the same general character.

The important service that this Educational periodical might render the State, suggests the propriety of enlisting it, as an auxiliary to the department of Public Instruction, in communicating with the township boards, and county Auditors.

You will perceive, from the report of the Superintendent, that our Colleges are in a flourishing condition; nobly competing with each other, in the race of usefulness in the higher departments of education. A condensed report of their history and progress, will be found in the report for this year—showing what our citizens have done in their associate capacity, for collegiate education.

Patents have been received for the additional grants of lands to the State University, at Bloomington. In disposing of these lands I recommend that the proceeds be set apart for the endowment of an Agricultural Professorship, in connection with the purchase of a farm, for practical test of labor, and agricultural improvement.

The question of providing, by the operation of judicious and effective laws, for the prevention or mitigation of those vices and evils, public and domestic, which have their origin in the intemperate use of intoxication liquors, requires, from you, the most profound and serious consideration. The judicious legislator will



look with more care to the prevention of crime, than to the punishment of its results.

In former communications, addressed to the General Assembly, on the subject of making laws to regulate the traffic in intoxicating drinks, and to check and restrain the vice of drunkenness, I referred to the danger of arousing a re-action in popular sentiment, by the enactment of laws so stringent that they could not be carried into effect. Subsequent events have developed nothing to induce me to change the views which were then expressed.

The constitutional right of the Legislature to make laws for regulating the traffic in intoxicating drinks, and for restraining and punishing the vice of drunkenness, has existed, sanctioned by judicial authority, from the organization of the government to the present time. The making of such laws, however, requires the exercise of a great degree of prudence. If the laws be too weak they will become worthless, and fall into contempt, before the successful resistances of those who may undertake to violate them with a strong arm. On the other hand, if they are too severe, they cannot be enforced in communities where they may be regarded, by the prevailing popular sentiment, as oppressive interferences with personal rights and domestic privileges. The unwise policy of making laws which, owing to the state of public opinion, cannot be carried into effect, will always afford grounds of justification, or excuse, for an inefficient or weak administration of the best laws. There should be no dead-letter laws among our statutes.

A great increase of the number of places at which intoxicating liquors are sold, and a lamentable increase of the evils which grow out of the vice of drunkenness, are matters which you who are charged with the duty of guarding the interests and promoting the welfare of the State, cannot overlook or neglect. Although we may, in many places, see the evidences of a re-action in public sentiment, apparently unfavorable to the cause of temperance, yet we will fall into a most injurious error, with respect to public opinion in Indiana, if we concluded, from these evidences, that the people of the State do not require some sound and effectual legislation to check and restrain the growth of those numerous and destructive evils, vices, and crimes, which afflict every community where the laws impose neither punishments nor restraints upon drunkards, nor upon those who constantly hold out inducements which tempt their fellow men to become drunkards. The agitation and discussion of this subject, by the people of the several counties, if necessarily connected with the selection of county commissioners clothed with ample power to restrain and regulate the traffic in intoxicating liquors, is worthy of your special consideration. Whatever differences of opinion may have been, heretofore, entertained on this subject, no man can shut his eyes to the fact, that, throughout our State, numerous places have been opened, or established for the unrestrained sale of spirituous liquors, in which

the young and unwary have been decoyed to contract tastes and habits which the resolves of a subsequent life cannot control, if they have not already entered upon the courses of dissipation and vice.

It is, imperatively, the duty of the Legislature, in the exercise of a wise discretion, to enact some constitutional law, in accordance with public sentiment, of sufficient stringency to restrain and suppress this growing evil; and I doubt not this subject will receive, at your hands, such consideration as its importance requires.

On a review of the late elections, it is apparent to all, that our laws have failed to preserve the purity of the ballot-box. While there is a difference, in regard to the proper remedy, an effort is made to direct public sentiment in favor of a registration of voters. But the practical workings of registry laws, in other States, have failed to convince me of the adaptation of such laws to our community. The officer making the registry is as liable to be imposed upon as the judges of our elections; and as wide a field for fraud and corruption would be opened, as exists under the present system.

A remedy for illegal voting may be found, by requiring an actual residence in the township, or election precinct, of not less than sixty days prior to the time of voting, and by the multiplying of election districts; thereby avoiding the collecting of large bodies of voters at one place, and lessening the facilities for fraudulent voting. Where few voters are congregated at a single precinct, there will be little danger of excited and angry feeling; the right of suffrage will be exercised with more freedom and deliberation; and the voters will be more generally known to each other and to the officers of the election. The penalties for illegal voting and for aiding and abetting thereto, either by solicitation, intimidation, or transportation, should be largely increased.

The practice of betting upon elections is a great and growing evil, tending more than any other cause, to destroy the purity of the ballot-box, and the practice should be visited with the severest penalties. The history of the past year has satisfied me that, unless some effectual means can be adopted to protect the elective franchise from corruption and desecration, our institutions will soon be at the mercy of an unlicensed mob.

The Report of the Trustees of the Wabash and Erie Canal will be laid before you. It will be seen that the Trustees have caused the standing timber on the Birch Creek Reservoir, in Clay County, to be removed, at a very heavy expense; thus allaying all cause of complaint on the part of the inhabitants residing in the vicinity of that work. Though the best medical authorities reported, under a law of the Legislature, that this standing timber would not prove injurious to the health of the surrounding country, yet so completely did a contrary opinion take possession of the public mind in that vicinity, that, on two several occasions, since the last meeting of the General Assembly, that necessary feeder to the canal was des-

troyed by an armed assemblage of a portion of the inhabitants of the country.

These outrages were promptly reported to this department, and I lost no time in adopting such measures as were, in my opinion, best calculated to re-establish the supremacy of the laws in that hitherto peaceful community. In the exercise of the power given by the Constitution, a proclamation was immediately issued; and other outrages being committed, and threatened, not only upon the Canal, but on private property, an adequate force was immediately despatched to the scene of lawlessness. Determined to sustain the law, restore order, and, if possible, punish the aggressors, my duty was plain. Some arrests were made and trials had, which resulted in the discharge of all the persons implicated. Peace and order, however, were restored and maintained.

As the only cause of complaint is now removed, may we not hope that the people in the neighborhood of this Reservoir, as well as all other citizens, will refrain from further hostility and violence to the works and structures of the Canal? That the Trustees had a perfect right to construct the Reservoir, and that they adopted the mode of its construction from the original plans and surveys of the State authorities, and by the examples of other States, are matters which admit of no doubt. That the persons engaged in the destruction of the Reservoir, were misled by the belief that the health of the country was endangered by the timber remaining on the submerged land, is equally clear and undoubted; and if any thing could justify their conduct, this mistaken conviction would be a palliation of it.

It will be seen by reference to the report of the Trustees, that there is a serious diminution of the receipts of tolls on the Canal, as compared with the income of 1854, and the preceding year. By the report of 1855, made to this department, it will be observed that the tolls for that year fall short, more than forty thousand dollars, of the income of the previous year; and that the receipts for the year just closed, show a still further decrease of twenty-six thousand dollars below the revenue of 1855—making, in two years, an aggregate decrease of sixty-six thousand dollars.

This decline in the revenues of the Canal, seems quite extraordinary; and especially, as it is believed that the navigation was maintained with fewer interruptions than occurred in the year when the revenues yielded the highest income. The report of the Trustees will explain this extraordinary decrease and to that report your attention is respectfully directed.

It is gratifying to have the assurance, contained in the report of the Trustees, that the completion of the Reservoir at Birch Creek, and other precautions to secure a good supply of water, will ensure, for the commerce of the next season, a more reliable navigation than that of any previous period. The Canal is now considered in good repair; and such arrangements are being perfected

as will give certainty and promptitude to the transmission of the productions of the soil, to northern or southern markets.

This Canal is the longest artificial water communication in the United States, and has always been a cherished work of Indiana. As a check on high and exorbitant charges, by other and competing modes of transportation, the people of Indiana have a direct interest in the maintenance of the Wabash and Erie Canal, and in its successful results as a measure of revenue to those for whom it is held in trust. The contract between the State and her creditors, was fairly and deliberately made; and it is the highest duty of the State to keep, and perform, faithfully, all of her obligations, and to require the same on the part of others.

Agricultural improvements is visible in every portion of our State. The action of the General Assembly, in making a small appropriation to aid this cause, is exerting a most beneficial influence. A large majority of the counties have well organized agricultural societies, whose delegates are now in session with the State Board of Agriculture; and throughout our State, the increasing interest that is manifested in advancing the cause of agriculture, and other branches of home industry and skill, is rapidly augmenting the amount and value of our domestic products. It is suggested, that it would be productive of good results, to amend the present law, so as to make the Presidents of county societies, or other delegates appointed by them, constitute the State Board.

Having, on several former occasions, urged upon the Legislature the duty of providing for a thorough scientific survey of the geological character of the State, I regret that my recommendations upon a subject of such vital importance to the prosperity of the people, have failed to convince the proper authority of the propriety of making the necessary provisions for such a survey. While the resources of our sister States have been thus developed, and immigration and wealth thereby attracted to them, we have neglected to lay bare the hidden treasures which Nature has garnered up; and, but for accident, or individual enterprise, we should have remained in the most profound ignorance of the mineral resources of our State. Enough has been ascertained to convince us of their existence and extent; but the hand of science is needed to show us their value, and their localities.

Within the last year, discoveries have been made of extensive beds of iron ore, in Perry county, in the immediate vicinity of formations of coal and limestone; and individual explorations, in other portions of the State, have been equally productive. I therefore, earnestly, renew the recommendation for an appropriation for a thorough geological and topographical survey of the State.

In consequence of the excessive drouth of the past season, extending nearly throughout the entire year, our citizens, in common with those of other States bordering upon the Ohio river, have suffered greatly from the obstruction to navigation on that great national thoroughfare. In our own river towns, business has been



paralyzed, manufacturing has been suspended, commerce has drooped, and thousands have suffered from the limited supply, and exorbitant prices of fuel. The frequent occurrence of this state of things, has caused public attention to be directed to the necessity and practicability of improving the river, either by dams and slack water navigation, or by providing vast reservoirs of water in the gorges of the Alleghenies.

However numerous our lines of Railway, even were they to penetrate every county in our State, we could never dispense with this great artery of commerce. It washes the borders of six sovereign States, with a population of near ten millions; and bears upon its bosom the fruits of their soil, the products of their manufactures, and the coal and minerals produced from their mountains. From reliable sources, it is estimated that the value of products annually transported upon this great highway of commerce, is not less than one hundred millions of dollars. The most strict constructionist could scarcely raise a doubt of the constitutionality of appropriations by the General Government for the improvement of the navigation of the Ohio river; and I earnestly recommend you to call the attention of Congress, through your representatives, to the pressing necessity of this important work.

Nothing, during my connection with the government of the State, has occasioned so much embarrassment in the discharge of my official duties, as the neglect of the last Legislature to make the necessary appropriation for the support of the State Prison, and to appoint the directors for its management, as required by law. This neglect imposed on me the alternative, either to appoint the directors myself, or to convene the Legislature for that purpose, at great expense to the State, and under circumstances in which I could see no grounds of assurance that the members could agree upon a selection. In this emergency, I assumed the responsibility of making the necessary appointments, and selected as such directors, Messrs. Grafton F. Cookerly, of Vigo, George F. Savitz, of Clark, and Samuel F. Owen, of Floyd.

The contract with the lessee of the prison, expired on the 15th of June, 1856. On the next day, a portion of the prisoners, having become excited under the inflammatory appeals of a newspaper circulated among them, rose in resistance against the authorities and fired the hospital. Through the promptness and efficiency of the fire companies of Jeffersonville, and those of our sister city, Louisville, the fire was extinguished before it had occasioned much loss, and the mutinous conduct of the prisoners was promptly checked. The propriety of tendering to the fire companies some suitable testimonial of their effective and disinterested services, is respectfully suggested.

The report of the directors and officers of the Prison, exhibits the workings of the system, under the control of the State, for the first six months. During this period, it has more than realized our expectations, in economy of management, in the deportment

of the prisoners, and in order and cleanliness; in all of which there is a manifest improvement. It is proper to say, that whatever defects, heretofore, existed in these respects, were the faults of the law, and not of the contractor.

Although it is not anticipated that the Prison can be made, to any considerable extent, a source of revenue, it is already apparent that, even in this respect, with proper management, its net income will be larger than any amount which the State could possibly realize under the contract system.

The object of all prison discipline should be, not merely to punish the offender for his misdemeanor, and restrain him from the further commission of crime, but, by suitable reformatory means, by virtuous example and Christian counsel, to prepare him for a re-entrance into the society of his fellows. Should the labor of the prisoners be productive of an income beyond the expense of their imprisonment, a portion of such net proceeds might, with propriety, be devoted to the support of their families; or distributed among those who, on leaving the walls of the prison, had, by their good conduct, rendered themselves worthy of such favor.

Under no circumstances should the State again surrender her control of this institution; nor revive a policy which meets the condemnation of the civilized world. As far as possible, the convicts should be kept within the walls of the prison, and debarred from intercourse with others. The effect of the intermingling of hardened criminals with those not yet inducted into crime, is highly pernicious, and the practice should be rigidly discountenanced.

The report of the directors and officers discloses the fact, that more than one-third of the present inmates of the prison would be proper subjects for the discipline of the contemplated House of Refuge. I commend to your special consideration this valuable report, which exhibits, fully, the details of our system of prison discipline. No appointment of Moral Instructor has been made. This service has been performed by the Rev. Leroy Wood, the former Chaplain. The list of pardons, and remissions of fines and forfeitures, is herewith communicated.

Our benevolent institutions most deservedly command the respect and confidence of the people. Their several reports will present you with information, in detail, as to their expenditures, progress, and management. They are entitled to much of your consideration. While our people look with pride to these monuments of their liberality, they expect from you, their servants, the utmost economy as to their management.

Negotiations have not been concluded with the President of Liberia, for the purchase of land for our colored population emigrating to that Republic. A communication from President Benson, herewith submitted, shows his entire concurrence in the views taken by your State Board, and, doubtless, the necessary legislation, on the part of Liberia, was consummated in December last.

I rejoice with you at the well-merited rebuke which the proposition to renew the African slave trade has received, at home and abroad. God forbid that we should so far forget what is due to our own reputation, to say nothing of justice and humanity, as to renew and endorse a crime, that our fathers, in the purity of our government, called by the right name, piracy.

The subject of African colonization is one of deep interest to our people, and I earnestly recommend the usual appropriations, to aid this great cause of humanity, which promises so much good to the colored man, as well as permanent peace and harmony in our own commonwealth.

The frequent communications, and the amount of business transactions, which exists between citizens of the United States and the subjects of foreign governments, have induced several of the States to provide, by law, for the appointment of Commissioners of Deeds, authorized to take acknowledgments of deeds, depositions, mortgages, &c. The propriety of making provisions to authorize similar appointments, on the part of this State, is submitted to your consideration.

The statute on the subject of granting divorces requires a revision which will relieve our courts from the pressure of applications for divorce, for all imaginable causes, on the part of citizens of other States. You will, doubtless, promptly apply a remedy for this state of things by requiring of the parties, in such cases, an actual residence of two or more years.

The public records of the State, including those of the Supreme Court, and of the departments of the Secretary, the Auditor, and the Treasurer of State, are insecure, and liable to be injured or destroyed by fire. In order to place these records in a condition of greater security, and to relieve the State from the payment of heavy rents, sound policy requires the immediate commencement, on the ground occupied by the State Treasurer, of an edifice sufficiently commodious for the offices of State, Supreme Court. &c ; leaving the State House exclusively for the use of the Legislature, and the State Library.

The Governor's Circle, in the very heart of the Capital of the State, should be improved, by taking down the old dilapidated building which stands upon it; and, for the health and beauty of your Capital, the grounds should be set apart for a public park.

In preparing the plan of the proposed building, care should be taken to adapt it to the present and future wants of the State, not overlooking rooms for the collection and preservation of geological specimens, agricultural publications, valuable seeds, and models of useful farming implements, and other mechanical inventions.

A Bureau of Statistics is required for the purpose of ascertaining, and making known, from year to year, the progress of improvements in Indiana, and the condition of the various branches of productive industry in the State. It is a matter of astonishment that we have so long neglected the duty of providing means for



the accomplishment of this important work. By means of a Bureau of Statistics—which may be organized and managed at an expenditure which would be inconsiderable when compared with the value of its operations—our citizens, and the people of other States, might receive annually, authentic information of the progress of improvement in the several counties of Indiana. Among other details, this information might embrace facts having reference to the following subjects, namely :—The quantity of land under cultivation ; the kinds, amounts, and values of the annual field crops ; the various annual productions of orchards, gardens, and dairies ; the various articles of domestic manufacture, produced annually ; the annual products of mechanical industry and skill ; estimates of the amount and value of exports and imports ; the names, locations, and population of towns and villages ; the number and value of school houses and churches ; the names, number, capital, and purposes, of incorporated companies, &c., &c. An annual statistical report, presenting, in detail, authentic information with respect to these subjects, should be made a permanent part of our domestic policy.

In connection with the proposed improvement at the Capital, your attention is invited to a consideration of the expediency of providing for an enlargement of the State House square. By vacating, for the distance of one square, the street north of the Capitol, by the purchase of two small lots, and by effecting, with the city authorities, an arrangement respecting the location of the western Market House, the area of the lot for the use of the State House, may be enlarged, so as to form appropriate public grounds around the Capitol of the State.

Having repeatedly called the attention of the Legislature to the necessity of placing additional restrictions and safeguards around the office of Agent of State, and feeling it incumbent on me to exercise a careful supervision over it, I appointed Elijah Newland, of this State, and James F. D. Lanier, of New York, to examine, and report upon its condition, and proposed various questions in reference to the subject. Owing to a pressure of business, Mr. Lanier declined the trust ; and I thereupon appointed Washington De Pauw, who was in that city, in his stead. The report of the examiners is herewith communicated, in which, among other things, the propriety of appointing a Register of Stock, as a check upon the Agent, is suggested. As, however, there might be collusion between the Agent and Register, it would fail to afford the desired security.

Under the present system, the bonds are executed by the Auditor and Treasurer, forwarded in quantities to the Agent, and only require his signature, and filling up, to render them valid, while upon the officer issuing them, there is no check whatever. That frauds have not, heretofore, been committed, is owing to the integrity of the officer, and not to any security afforded by the law.

It would, in my judgment, be preferable, in all cases of transfer of stock, to require the bond, before its issue and after signature by the Agent, to be signed by the Auditor and Treasurer of State, and registered by them, in their respective offices. The slight delay would be more than counterbalanced by the absolute and entire safety and security which would be thereby furnished.

The annual Report of the Agent is herewith presented, to which your attention is invited. Monthly reports of the transactions of the Agent, have been furnished, in compliance with my requisitions. But even these would fail to correct the evil; for, whatever the competence or integrity of the officer, he is, necessarily, compelled to entrust a portion of his business to others, whose incompetency, or dishonesty, might involve the State in heavy losses. The prompt and decisive action of the Legislature, on this subject, is imperatively required.

The great and increasing prosperity of our State may be attributed, in no small measure, to results which have been produced by the operations of our railroads—connecting, by a rapid transit, our business with the commercial cities of the Atlantic States, stimulating and rewarding the industry of our people, raising the value of real estate, improving our country, building our cities and towns, giving to the products of our agricultural labor a speedy and fair market, and increasing the strength of the sources of our revenues, by increasing, annually, the aggregate value of the taxable property of the State. In view of this subject, it is manifest that our Statutes should make no unjust discriminations in providing for the security of the rights of railroad companies. The question of the expediency of revising our railroad laws, in order to establish them upon a more just and liberal basis, with respect to certain rights and remedies, is worthy of your consideration. It would be well to require all foreign companies, running any parts of their roads through Indiana, to keep offices in this State, so that process may be served upon them, as it is served on our own corporations. In the assessment of damages for the rights of way, it seems that justice requires that the whole question, including the benefits as well as the injuries resulting to the owners of the land, should be left to the decision of the courts and juries, under the evidence. Much complaint is made in regard to the principle upon which taxes are assessed upon our roads. The subject is worthy of your consideration.

The Secretary of the Treasury has located, in this city, a site for a Post Office and Court Room for the United States. It is necessary that the State should cede to the General Government the land in question, making provision, at the same time, to exempt the lot and improvements thereon, from taxation. Your action on this subject should be prompt, in order that steps may be taken, at the opening of the season, for the commencement of the proposed public building.

In pursuance of a Joint Resolution of the General Assembly, I visited Washington City, and endeavored to adjust the outstanding controversy upon the subject of the three per cent. fund due the State from the General Government. The decision of the Secretary, with the full report of my proceedings in relation to the matters embraced in the Joint Resolution, will be laid before you. The question of the validity of the claim of the State, cannot be settled without the action of Congress.

The salaries paid to the Judges of our Courts are not sufficient to answer the demands of justice and sound policy. If we desire to have the full service of our Judges, and expect them to secure the confidence of the people, by a laborious and faithful discharge of their duties, it is absolutely necessary to increase their compensation. This is emphatically true in relation to the Judges of our Supreme and Circuit Courts. The compensation for the services of the Judiciary, above all other departments, should be such that the State could command, at all times, the services of our most worthy and competent men.

The increase of business in our Supreme Court, and the frequent equal division of the Judges, upon important questions, presents to you the propriety of providing, by law, for an additional Judge.

The salary of your Governor is wholly inadequate. Approaching the close of my official services, after more than seven years' experience, I feel no delicacy in speaking plainly on the subject. I have indulged in no unnecessary expenses; I have attempted to dispense that degree of hospitality necessarily expected of the chief officer of the State, in his intercourse with his fellow citizens from abroad, as well as those at home; and yet, I have no hesitation in saying that this can not be done, without drawing largely upon the private income of the citizen who may be called upon to discharge the duties of Governor of your State. The highest and first office within the gift of our people should not be one which the wealthy, only, can afford to accept. I urge you to increase the salary of this officer, and to make the increased compensation apply to my immediate successor, by the enacting of a law to take effect before the commencement of his official term.

A communication from the Superintendent of Weights and Measures, at Washington, is herewith submitted. You will, doubtless, provide the necessary legislation, in order that the State may be placed in possession of a set of balances, intended for the adjustment of standard weights.

I herewith communicate the report of the commissioners appointed to investigate the affairs of the Madison and Indianapolis Railroad, with reference to the interests of the State of Indiana.

The views suggested by me, four years since, in a special message to the Legislature, to the effect that the system adopted for the sale and drainage of the Swamp Lands, would result in the frittering away and waste of the fund, have been fully confirmed. In some portions of the State, much good has been accomplished,

by reclaiming large bodies of lands, making them a source of revenue to the State, and promoting the general health.

Two years since, the Auditor of State, who has nearly the entire management of this trust, reported to me, that the Treasurer of Jasper county was largely in default to the fund; which allegation that officer denied. Upon examination of the facts in the case, I deemed it my duty to remove him from office, and to appoint a successor. The validity of the appointment was contested, and the question has not yet been decided by the court.

Large contracts for draining lands have been let by the officers of Jasper county, in a manner not conformable to the law. These transactions it will be your duty to investigate thoroughly; and if any of the officers of State shall be found to have participated therein you will not hesitate to apply the proper corrective. Under no possible circumstances, should titles have been delivered to the contractors, for any of the lands until the completion of their respective contracts. Immediately upon being informed of the existence of these contracts, I promptly refused the execution of further patents. I am advised that, in these cases, large sums of money had been advanced for work in draining and ditching. As the work was progressing, speculators would buy up the lands, as fast as they were ditched. To obviate this, advance certificates were issued, and bond and security taken for the completion of the work, and in this way, secure the land to the contractor and laborer. In extenuation of the policy adopted, it may be found, upon examination, that large bodies of land have been drained and reclaimed, which would, otherwise, have remained valueless. Similar contracts were made in Gibson county, which resulted satisfactorily to the State and to the people. It would, however, have been more creditable to the parties to these contracts, if they had been laid before the Legislature for approval.

Some modification of the law will be required to enable the State to complete the system of drainage, and make the unsold lands marketable. The propriety of reducing and graduating the price of the remaining lands, situated like those in Knox and other counties, is also suggested.

A large body of lands, in Lake county, is overflowed by the waters of the Calumet, in consequence of a dam erected in Illinois, for the supply of the Illinois and Michigan Canal. A communication on this subject, from the trustees of that canal, is herewith transmitted.

I regret to say that no selection has been made for the location of the site of the contemplated House of Refuge. Under the restrictions and limitations contained in the act of the General Assembly, your officers could not make a selection suitable for such a building, and purposes. It is very desirable that, whatever action may be taken on this subject, the matter may receive your attention, at an early day, in order that the House of Refuge may



be commenced with the opening of spring. The propriety of establishing three houses of refuge—one north, one south, and one at the center—is worthy of special consideration.

We shall be unfaithful to the trust reposed in us by the people of Indiana, unless we address ourselves to her future, with a determination to cherish and augment her good name. Amid all the privations and hardships of a frontier life, and under embarrassments destructive or ordinary energies and integrity, she has fulfilled all her obligations, and clothed herself with prosperity and peace. Her broad fields, reclaimed from the sturdy forests, are pouring their wealthy harvests into the granaries of the East, North and South. With her increasing facilities of transportation, her growing population, her multiplying schools and institutions of learning, she is rapidly acquiring strength in all the elements which constitute a great, a powerful, and a prosperous State.

In this survey of her condition and prosperity, one of the most gratifying reflections is, that it is not for herself, alone, but also for her sister States, to whose wealth she contributes a generous portion, as well as to the strength of that confederacy in which she has received countless blessings, and to the peace and permanence of which, she deems it her duty, her pleasure, and her pride to contribute.

Of small account were our own prosperity, or our contributions to the material wealth of others, were it not that we can proudly say of Indiana, that, from the beginning up to the present hour, distinguished fidelity, in all her political relations to her sister confederates, marks and adorns her history. Central in position in this great family of States—bordering upon those which widely differ from her in domestic policy—she has invariably recognized the co-equal sovereignty, and perfect equality of those around her, and has ever cheerfully accorded, within her jurisdiction, to all citizens of the Union, those rights which are clearly guarantied by the federal constitution—denying no right of property, and imposing no restriction upon opinions, discussions, or forms of political action. Regardless of her likes and dislikes, ever faithful to the federal compacts, she has resisted all attempts to lead her into any course of legislation against the interest of institutions of her sister States. No laws enacted in a spirit of resistance, or hindrance, to the constitutional enactments of the General Government, have ever found a place upon her statute books. Emerging from the recent and exciting Presidential contest, unseduced by the ultrasms which have beset her on either hand, she has renewedly, and still more firmly established her reputation for fidelity and enlightened patriotism. Listening to no fanatical or sectional persuasion, whether coming to her on Southern or Northern breezes, she has followed only the guidance of the Constitution, and has borne aloft the flag of the whole Union, with profound respect and attachment to each and every star. She has sustained the supremacy of law—has triumphantly defended the vital principle of our Re-

public, to-wit: the right of the people everywhere, to choose and establish their own domestic policy.

We have again, given the weight of our influences, as a State, in favor of preserving that simplicity of structure in our form of government which it was the design of its founders to establish; by maintaining that policy which leaves the people of the several States and Territories of the Union, to depend more and more upon their own rights and their own resources, and confines the action of the Federal Government within the clearly defined limits of the Constitution—reserving the exercise of all other powers to the States, severally, and to the people.

Early and deeply impressed with the importance of electing a Chief Magistrate, from among the tried, experienced, and foremost statesmen of the country, the choice of Indiana was firmly fixed upon a distinguished statesman of Pennsylvania, as the one pre-eminently qualified to guide the affairs of the nation, and specially adapted, by his wisdom and patriotism to the exigencies of the existing crisis. The sagacity of our early and steadfast choice, urged upon, and ratified by the National Convention, has been confirmed by the voice of the nation; and we have the satisfaction of knowing that the considerate men of all parties are now looking with hope to the unsullied character, the mature judgment, and the national spirit, of the President elect, as strong and peaceful guaranties that he will guide our councils to a happy issue; enforce obedience to laws; disarm contending factions; protect our foreign and domestic interests; and that diligently and successfully watching and guarding all the varied interests of our vast Republic, he will retire from office with the consciousness of virtue, ripe in years, and rich in the respect and confidence of a great and happy people.

Such, gentlemen, is the past and present name of our own Indiana which is committed to your care. Look wisely and carefully to her future. Develop her wealth, encourage her industry; above all, so administer her government, so wield her power in the federal Union, that her historic record among her sister states may be, *obedience to the federal compact, faithfulness to others, and justice to ourselves.*

It is a source of great gratification to me, in reviewing the period of my administration of the Executive affairs of the State, to see so many substantial evidences of her increasing prosperity. During this time, not a single defalcation of any State or County officer, has occurred. The interest upon our public debt has been promptly paid, without imposing an oppressive burden on our people. Our domestic debt has been entirely liquidated; and we have commenced the reduction of our funded liabilities. Our population has nearly doubled; our taxable property has largely increased; an efficient system of common schools has been adopted, and the People's College erected in every neighborhood. Public Libraries have been established in every township in the State. The waters



of the Lakes and the Mississippi have been united, by the longest line of continuous canal upon the continent ; and our commercial, manufacturing, and agricultural interests have been carefully fostered, and widely extended.

The ties, which have so long existed between me, as your chief Executive officer, and you, as my constituents, are soon to be dissolved ; and I cannot let the opportunity pass, without renewing, to you, my assurances of regard.

During my official term of seven years, I have encountered many occasions of excitement, and participated in many scenes of trial and anxiety. I have, occasionally, differed from the Legislature, in regard to great questions of public policy ; but, while my motives have been misconstrued, and ill feelings sometimes engendered, He who rules our destinies, and knows the secrets of the hearts of men, can bear witness to my earnest desire, in all things, to promote the prosperity, and advance the true interests of the State. It has been my highest aim to serve the people faithfully ; and I have been more than repaid by the numerous evidences of their approbation. My only regret is, that my ability to promote their interests, has not been equal to my desire. I have warned them, diligently, against all projects, in whatever quarter arising, which threatened an encroachment upon their rights ; and have given my own example, by refusing all connection with moneyed corporations, and schemes of dishonest speculation. And, now, gentlemen, earnestly desiring that your labors may contribute to the advancement of the best interests of the State, the first wish of my heart being its prosperity, I commend your deliberations to the supervision and guidance of the Supreme Ruler of the universe.

JOSEPH A. WRIGHT.

*Indianapolis, Ind., January 9, 1857.*

On motion by Mr. Bethell,

*Resolved*, That the Governor's Message and accompanying documents, be referred to a committee of the whole, and made the especial order of the day on Wednesday next.

Mr. Studabaker offered the following resolution :

*Resolved*, That there be printed five thousand copies of the Governor's Message, five hundred of which shall be with the accompanying documents, and one thousand of which shall be in the German language, and also five hundred under the direction of his Excellency, the Governor, for his use.

Mr. Bethell moved to amend the resolution by inserting 2,000 instead of 1,000.

Which was not agreed to.

The question then recurred on the adoption of the resolution.  
Which was agreed to.

Mr. Humphreys, from a select committee, made the following report.

MR. SPEAKER :

The select committee, to whom was referred House Bill, No. 1, "A bill to regulate the salary of the Governor and repeal all former enactments relating thereto," have had the same under consideration, and have directed me to report the same back and recommend its passage.

Which report was concurred in.

The question then being, shall the bill be engrossed ?

Mr. Davis of Sullivan moved to suspend the rules and read the bill a third time now.

Mr. McDonald submitted the following amendment :

Amend the bill by inserting Supreme Judges \$1,800, Circuit Judge's salary \$1,600, and repealing all laws relating to their salaries.

The question being put on its adoption.

The ayes and noes were demanded by Messrs. McDonald of Lake and Grose,

*Those who voted in the affirmative were,*

Messrs. Austin, Ballenger, Batterton, Boyd, Branham, Brown, Conner of Hamilton, Crawford, Evans, Grose, Hutchings, Jefferis, Larue, Mercer, McDonald of Lake, Shuman, Smith of Delaware, Stone, and Van Sandt—19.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Allen, Ayres, Bethell, Blake, Bowman, Branson, Bryan, Carnahan, Claypool, Conner of Wabash, Conduitt, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Gordon, Hawkins, Hayden, Herod, Hoagland, Humphreys, Kerr, Landiss, Lane, Lewis, Marvin, Modesitt, Moon, Moore, McDaniel, McDonald of Fountain, McFarland, McGinnis, McKinney, Neal, Neff, Price, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Sloss, Smith of Bartholomew, Steele, Stillwell, Studabaker, Taggart, Todd, Trippet, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Wright, Yater, and Mr. Speaker—71.

So the amendment was not agreed to.

The question then being, shall the bill be read a third time ?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Ayres, Bethell, Blake, Bowman, Branham, Branson, Brown, Bryan, Canahan, Clark, Claypool, Conduitt, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Early, Edson, Gordon, Harrison, Herod, Hoagland, Humphreys, Hutchings, Kerr, Lane, Lewis, Marvin, Moon, McDaniel, McDonald of Fountain, McFarland, McGinnis, McKinney, Neff, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Steele, Stillwell, Studabaker, Taggart, Trippet, Wallace, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Yater, and Mr. Speaker—62

*Those who voted in the negative were,*

Messrs. Austin, Ballenger, Batterton, Boyd, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Davis of Hendricks, Duncan, Evans, Grose, Hawkins, Hayden, Jefferis, Landiss, Larue, Mercer, Modesitt, Moore, McDonald of Lake, Neal, Price, Shuman, Sloss, Smith of Delaware, Stone, Todd, Van Sandt, Wagner, Ward, and Wright—32.

So the motion did not prevail.

Mr. Denby presented the petition of Samuel S. McBride of Rush county, relative to the election of Representative from said county.

Which,

On motion,

Was laid on the table.

On motion by Mr. McDonald of Lake,

The House adjourned until to-morrow morning at 9 o'clock.

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SATURDAY MORNING, 9 O'CLOCK, {  
January 10, 1857. }

The House met pursuant to adjournment.

Mr. McFarland, from a select committee, made the following report :

MR. SPEAKER :

The committee appointed to wait upon the Rev. David Stevenson, and request his attendance in the Hall of the House, for the purpose of opening the session of the General Assembly with prayer, have performed that duty, and were informed that he would attend for that purpose, instanter.

In pursuance of a resolution passed on the 9th inst., the Rev. David Stevenson appeared within the Hall of this House and invoked the blessings of a Divine Providence on the members of this General Assembly.

The Journal of yesterday was read and approved.

On motion by Mr. Davis of Sullivan,  
The orders of the day were taken up.

House bill No. 1. A bill to regulate the salary of the Governor and to repeal all former acts relating thereto,

Was read a third time.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Ayres, Ballenger, Bethell, Blake, Bowman, Branham, Branson, Brown, Bryan, Carnahan, Clark, Claypool, Conner of Hamilton, Conduitt, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Evans, Gordon, Harrison, Herod, Hoagland, Humphreys, Hutchings, Kerr, Landiss, Lane, Larue, Lewis, Marvin, Modesitt, Moon, McDaniel, McDonald of Fountain, McFarland, McGinnis, McKinney, Neff, Price, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Studabaker, Taggart, Todd, Trippet, Vawter, Wallace, Walpole, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Wright, Yater, and Mr. Speaker—75.

*Those who voted in the negative were,*

Messrs. Adams, Austin, Batterton, Boyd, Clapp, Colgrove, Conner of Wabash, Crawford, Grose, Hawkins, Hayden, Jefferis, Mercer, Merrifield, Moore, McDonald of Lake, Neal, Shuman, Sloss, Stone, Van Sandt, Wagner, and Ward.—23.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof

Mr. Kerr offered the following resolution :

*Resolved*, That an additional committee be added to the standing committee of this House, to be called the committee on the Sinking Fund.

Which was laid over one day, under the rule.

Mr. Marvin offered the following resolution :

*Resolved*, That the House will, the Senate concurring, go into the election of two United States Senators on Thursday next.

Which,

On motion by Mr. Davis of Sullivan,  
Was laid on the table.

Mr. Gordon offered the following resolution :

*Resolved*, That Leonidas Sexton, having produced to this House the certificate of the board of canvassers showing that he was duly elected by a majority of the voters of Rush county, at the October election, 1856, to a seat in the House of Representatives of the current session of the General Assembly of the State of Indiana, which certificate is properly authenticated and shown to be genuine, by the certificate of the Clerk of the Rush Circuit Court, and attested by the proper signature of said clerk, and seal of said Court, be now sworn in and admitted to his seat as a member of this House.

Mr. Studabaker moved to lay the resolution on the table.

The ayes and noes were demanded by Messrs. Gordon and McDonald.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Ayres, Bethell, Blake, Bowman, Boyd, Branson, Brown, Carnahan, Claypool, Conduitt, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Harrison, Herod, Hoagland, Humphreys, Landiss, Lane, Lewis, Marvin, Modesitt, Moore, McDaniel, McDonald of Fountain, McFarland, McGinnis, McKinney, Neff, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Stillwell, Studabaker, Taggart, Trippet, Wallace, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker—58.

*Those who voted in the negative were,*

Messrs. Austin, Ballenger, Batterton, Branham, Bryan, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Davis of Hendricks, Evans, Gordon, Grose, Hawkins, Hayden,

Hutchings, Jefferis, Larue, Mercer, Moon, McDonald of Lake, Neal, Price, Shuman, Sloss, Smith of Delaware, Steele, Stone, Todd, Van Sandt, Vawter, Wagner, Ward, Whitcomb, Williams of Lagrange, and Wright—37.

So the resolution was laid on the table.

On motion by Mr. Steele,

*Resolved*, That the Treasurer of State be requested to furnish this House with the precise amount of the State's indebtedness, the amount of outstanding bonds of the different kinds and descriptions, the length of time that it will take to liquidate this debt, by a reasonable levy upon the taxable property of the State.

On motion by Mr. Cullen,

*Resolved*, That there be a committee of three appointed to act with a similar committee on the part of the Senate, to revise the joint rules for conducting business in the two Houses of the General Assembly of the State of Indiana, and that the Senate be requested to reciprocate this resolution.

On motion,

Mr. Davis of Sullivan, obtained leave and introduced,

No. 2. A bill ceding to the United States of America jurisdiction over certain lands.

Which was read a first time and passed to a second reading.

On motion by Mr. McDonald of Lake,

*Resolved*, That the Auditor of State be requested to communicate to this House at the earliest practicable moment, the amount of swamp lands sold in each county, as reported to his office, the amount paid out in each county, and the amount on hand belonging to each county in the treasury, and also any defalcation on the part of treasurers, and the facts connected therewith, as far as known to him.

Mr. Denby, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred the resolution of the House on authorizing the Doorkeeper to subscribe for certain newspapers, beg leave to report that they have had the same under consideration, and recommend the adoption of the following resolution.



*Resolved*, That the Doorkeeper be authorized to contract with the editors of the Daily Journal and Sentinel, and Weekly Volksblatt and Free Press, and Weekly Locomotive, for three copies of each of their said papers. Two of each copies to be enveloped, for the use of the members of this House. And that he be further authorized to procure the necessary stamps, and have the said enveloped copies stamped ready for mailing, and laid upon the table of each member of the House.

Which report was concurred in.

On motion by Mr. Shuman,

*Resolved*, That an order be issued to the Doorkeeper of the former House, to draw the allowance for services for himself and assistants, in opening and cleaning the Hall for the present session.

The Speaker laid before the House the annual report of the Trustees of the Wabash and Erie Canal.

TRUSTEES OFFICE, WABASH & ERIE CANAL, }  
TERRE HAUTE, January 6, 1857. }

*To the Speaker of the House of Representatives :*

SIR.—Herewith find annual report of the Board of Trustees of the Wabash & Erie Canal, which you will please lay before the body over which you preside.

Very respectfully,

THOMAS DOWLING,  
*Resident Trustee.*

Mr. McDonald moved to lay the report on the table, and that 1,000 copies be printed for the use of the House.

Mr. Gordon moved to amend by striking out "1,000" and inserting "500" copies.

Which was accepted.

When,

On motion by Mr. Gordon,

The report was laid on the table and 500 copies ordered to be printed.

Mr. Denby moved to reconsider the vote taken yesterday, relative to the publication of the Governor's message.

Which was not agreed to.

Mr. Dobbins offered the following resolution :

*Resolved*, That an additional number of three thousand copies of the Governor's Message be printed for the use of the members, one thousand of which shall be in the German language.

On motion by Mr. Conner of Wabash,  
The resolution was laid on the table.

On motion by Mr. Grose,  
The House adjourned till 2 o'clock, P. M.

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2 o'clock, P. M.

The House met, pursuant to adjournment.

On motion by Mr. McFarland,

*Resolved*, That the Governor be requested to inform this House at an early day, whether he has procured plans, specifications and estimates for a House of Refuge, and whether a system of management has been prepared for the government of the same, in pursuance of sec. 3 of chapter 93 of the acts of 1855, and that the clerk be requested to communicate this resolution to his Excellency forthwith.

Mr. Neff offered the following resolution :

*Resolved*, That 1000 additional copies of the Governor's Message be printed in the German language.

Upon the adoption of which,  
The ayes and noes were demanded by Messrs. Grose and Moore.

*Those who voted in the affirmative were,*

Messrs. Adams, Batterton, Bethell, Brown, Carnahan, Colgrove, Conduitt, Crowe, Cullen, Denby, Dobbins, Duncan, Early, Edson, Harrison, Hoagland, Humphreys, Jefferis, Lane, Lewis, Modesitt, Moon, Moore, McDaniel, McDonald of Lake, McFarland, McKinney, Neff, Reese, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulters, Slicer, Smith of Bartholomew, Studabaker, Taggart, Trippet, Wallace, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker—45.

*Those who voted in the negative were,*

Messrs. Abel, Allen, Austin, Ballenger, Bowman, Boyd, Branhams, Branson, Bryan, Clapp, Clark, Claypool, Conner of Hamilton, Conner of Wabash, Crawford, Davis of Hendricks, Davis of Sullivan, Douglass, Evans, Grose, Hayden, Herod, Hutchings, Kerr, Landiss, Larue, Marvin, Mercer, Merrifield, McGinnis, Neal, Price, Reyman, Shuman, Sloss, Steele, Stone, Van Sandt, Vawter, Wagner, Ward, Whitcomb, Williams of Lagrange, and Wright—44.

So the resolution was agreed to.

Mr. Jeffries moved to reconsider the vote just taken,  
Which was not agreed to.

On motion by Mr. McDonald of Lake,

*Resolved*, That the Governor, Auditor, and Treasurer, be requested to lay before this House at an early day, copies of all circulars or directions issued by them, or either of them, to Swamp Land Commissioners, or either of them, and also to the treasurers of the different counties, in relation to swamp lands.

On motion,

Leave was granted Mr. Humphries, who introduced

House Bill No. 3. A bill to repeal an act, approved February 16, 1855, relative to the manufacture and sale of spirituous and intoxicating liquors.

Which was read a first time, and passed to a second reading.

On motion,

Leave was granted Mr. Larue, who introduced

House Bill No. 4. A bill to amend the fourth section of an act, entitled "An act touching the relation of guardian and ward," approved June 9, 1852.

Which was read a first time, and passed to a second reading.

On motion,

Leave was granted Mr. Studabaker, who introduced

House Bill No. 5. A bill to amend the tenth section of an act entitled "an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties;" approved June 11th, 1852, and supplemental thereto.

Which was read a first time and passed to a second reading.

H. J.—4

Mr. Williams of Knox, offered the following resolution :

*Resolved*, That it is the opinion of this House, that the mode of doing township business should be so changed, that we shall have but one trustee instead of three, and dispensing with the use of the clerk and treasurer.

Mr. Steele moved to amend, by inserting three instead of one. Which was not agreed to.

Mr. Ward moved to lay the resolution on the table.

The ayes and noes were demanded by Messrs. Williams and Marvin.

*Those who voted in the affirmative were,*

Messrs. Blake, Clapp, Conner of Hamilton, Conner of Wabash, Davis of Hendricks, Duncan, Gordon, Hoagland, Jefferis, Kerr, Marvin, Mercer, Merrifield, Modesitt, Moon, Neal, Sloss, Smith of Bartholomew, Studabaker, Van Sandt, Wagner, Ward, and Williams of Lagrange.—23.

*Those who voted in the negative were,*

Messrs. Abel, Allen, Austin, Ballenger, Batterton, Bethell, Bowman, Boyd, Branham, Branson, Brown, Bryan, Clark, Claypool, Colgrove, Conduitt, Crawford, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Early, Evans, Grose, Harrison, Hayden, Herod, Humphreys, Hutchings, Landiss, Lane, Larue, Lewis, Moore, McDaniel, McDonald of Fountain, McDonald of Lake, McFarland, McGinnis, McKinney, Neff, Price, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Shuman, Slicer, Steele, Stone, Taggart, Trippet, Vawter, Wallace, Whitcomb, Wiley, Williams of Knox, Williamson, Wright, Yater, and Mr. Speaker.—66.

So the resolution and amendment were not laid on the table.

Mr. Boyd moved to amend the resolution, by inserting "two," instead of "one."

On motion by Mr. Blake,

The resolution and amendment were referred to a select committee of four, consisting of Messrs. Blake, Williams of Knox, McDonald of Lake, and Williams of Lagrange.

On motion,

Leave was granted Mr. Smith of Bartholomew, who introduced

House Bill No. 6. A bill entitled an act concerning interest on money.

Which was read a first time, and passed to a second reading.

On motion by Mr. Davis of Sullivan,  
The House adjourned until Monday morning, 9 o'clock.

## MONDAY MORNING, JANUARY 12, 1857.

The House met.

The journal of Saturday was read and adopted.

Mr. Merrifield offered the following resolution :

WHEREAS, His Excellency, Governor Wright, in his recent annual message, charges gross fraud and corruption upon the last legislature, in the passage of the bill chartering the Bank of the State of Indiana, stating that members of that body were induced to vote for said bill upon promise of stock, equivalents in money, or pledges as to the location of particular branches, and that to make up the constitutional vote in its favor, the names of members were recorded in its passage who were at that moment absent, and many miles from the capital; and  
WHEREAS, The public good as well as the honor and standing of every member who voted in favor of this bill, is involved in this charge, therefore, be it

*Resolved*, That a select committee be appointed, consisting of five members of this House, to whom shall be referred so much of said message, as relates to the passage of said bill, with instructions to investigate the allegations therein contained, and if they shall find that said allegations are well founded, report to this House the names of parties concerned in such corruption and fraud—the amount of stock, money, or other considerations, tendered to members to procure their votes—the names of members to whom such tenders were made, and whether accepted by them—the names of members whose votes are recorded in favor of the bill, who were absent at the time the vote was taken—the names of those who procured this false record of votes, or being cognizant of the fact, winked at it—and any other facts which may come to their knowledge, as to the aforesaid alleged fraud and corruption.

*Resolved*, That said committee be authorized to send for persons and papers.

On motion by Mr. Lane,

The resolution was laid on the table.

Mr. Lane offered the following resolution :

*Resolved*, That the Senate be invited to attend in the Hall of the House of Representatives at two and a half o'clock this afternoon, to open and publish the returns of the election for Governor and Lieutenant Governor, as required by the 4th section of the 5th article of the Constitution of the State of Indiana ; and that the Senate be informed of the passage of this resolution.

Mr. Grose submitted the following amendment :

*Resolved*, That the Senate be, and is hereby invited to be present in this Hall, to-day at 2 o'clock, P. M., to witness the counting by the proper officers, of the votes for Governor and Lieutenant Governor, and the administration of the oaths respectively to said officers. And the business for such meeting is hereby declared to be limited to the business aforesaid, and none other shall be performed, nor motion made or entertained during said meeting, for any other purpose whatever, except to adjourn said meeting without day.

Mr. Walpole moved to lay the amendment on the table.

The ayes and noes were demanded by Messrs. Grose and Gordon.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Bethell, Blake, Bowman, Brown, Bryan, Carnahan, Clark, Claypool, Conduitt, Crowe, Davis of Sullivan, Dobbins, Douglass, Duncan, Early, Edson, Harrison, Hayden, Herod, Hoagland, Humphreys, Kerr, Landiss, Lane, Lewis, Marvin, Modesitt, Moore, McDaniel, McFarland, McGinnis, McKinney, Neff, Reese, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Studabaker, Taggart, Trippet, Wallace, Walpole, Wiley, Williamson, Wright, Yater, and Mr. Speaker—54.

*Those who voted in the negative were,*

Messrs. Austin, Ballenger, Batterton, Boyd, Branham, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Cullen, Davis of Hendricks, Denby, Gordon, Grose, Hutchings, Jefferis, Larue, Mercer, Merrifield, McDonald of Lake, Neal, Price,



Shuman, Sloss, Steele, Stone, Van Sandt, Vawter, Wagner, Ward, Whitcomb, and Williams of Lagrange—33.

So the amendment was laid on the table.

Mr. Gordon moved to lay the original resolution on the table.

The ayes and noes were demanded by Messrs. Gordon and Grose.

*Those who voted in the affirmative were,*

Messrs. Austin, Ballenger, Batterton, Blake, Boyd, Branham, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Davis of Hendricks, Gordon, Grose, Hutchings, Jefferis, Larue, Mercer, Merrifield, Moon, McDonald of Lake, Neal, Price, Shuman, Sloss, Steele, Stone, Van Sandt, Vawter, Wagner, Ward, Whitcomb, and Williams of Lagrange—32.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Allen, Bethell, Bowman, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Claypool, Conduitt, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Harrison, Hayden, Herod, Hoagland, Humphreys, Kerr, Landiss, Lane, Lewis, Marvin, Modesitt, Moore, McDaniel, McFarland, McGinnis, McKinney, Neff, Reese, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Studabaker, Taggart, Trippet, Wallace, Walpole, Wiley, Williams of Knox, Williamson, Wright, Yater, and Mr. Speaker—58.

So the resolution was not laid on the table.

The resolution was then adopted by unanimous consent.

Mr. Blake offered the following resolution:

*Resolved*, That the judiciary committee be instructed to examine whether there is any statute of this State conferring upon a judge of the Supreme Court authority to administer oaths, except when sitting as a member of said court; and if so, to cite in their report the volume, page, and section in which such authority is found; and that they be further instructed to report without delay.

Which,

On motion,

Was laid on the table.

Mr. Colgrove offered the following resolution:

*Resolved*, That it is the opinion of this House, that our present mode of doing township business is not only expensive, but has failed to meet the full expectation of the citizens of this State, and ought to be abolished, and a more suitable and less expensive mode provided.

Which,

On motion,

Was referred to the select committee heretofore appointed on that subject.

By unanimous consent,

Mr. Denby introduced

House joint resolution No. 1. A joint resolution declaring it unconstitutional and impolitic for the State to purchase the Wabash and Erie Canal.

Which was read a first time and passed to a second reading.

On motion by Mr. Kerr,

The resolution, laid over under the rule, relative to the sinking fund, on Saturday last, was taken up and adopted.

On motion by Mr. Davis of Sullivan,

The orders of the day were taken up.

#### HOUSE BILLS ON SECOND READING.

House bill No. 2. A bill ceding to the United States of America, jurisdiction over certain lands.

Was read a second time.

Mr. Davis of Sullivan, submitted the following amendment:

As it is important that the buildings herein contemplated should be completed at an early day, an emergency is declared to exist therefor.

Which was agreed to.

Mr. Studabaker moved to amend the bill as follows :

In 4th line, 1st section, strike out the words, " or may be."

Which was agreed to.

The bill was then ordered to be engrossed.

House bill No. 3. An act to repeal an act approved February 16th, 1855, relative to the manufacture and sale of spirituous and intoxicating liquors.

Which was read a second time, and referred to committee on temperance.

House bill No. 4. A bill to amend the fourth section of an act entitled " an act touching the relation of guardian and ward ;" approved June 9th, 1852.

Which was read a second time, and referred to the judiciary committee.

House bill No. 5. A bill to amend the tenth section of an act, entitled " an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties;" approved June 11, 1852, and supplemental thereto.

Was read a second time.

Mr. Williamson submitted the following amendment :

By inserting in the proper place, that the trustees shall have full power to enforce all ordinances by them passed, relative to grading and paving sidewalks.

Pending which,

On motion by Mr. Conner of Wabash,

The bill and pending amendment were referred to the committee on corporations.

House bill No. 6. A bill entitled an act to amend an act, concerning interest on money.

Which was read a second time and referred to the judiciary committee.

Was read a second time.

Mr. McFarland moved to refer the bill to a select committee of five.

When,

On motion by Mr. Humphreys,

The bill was referred to the committee on the judiciary.

By unanimous consent of the House,

Mr. Kerr introduced

House bill No. 7. A bill to authorize the taking of appeals from the court of common pleas to the circuit court.

Which was read a first time and passed to a second reading.

The Speaker laid before the House the following communication of the Governor, with accompanying circulars :

EXECUTIVE DEPARTMENT OF INDIANA, }  
Indianapolis, Jan. 10, 1857. }

HON. BALLARD SMITH,

*Speaker of the House of Representatives :*

SIR:—Please lay before the House of Representatives the enclosed answer to a resolution of the House of this date.

Respectfully yours,

JOSEPH A. WRIGHT.

On motion by Mr. McDonald of Lake,  
The circulars were laid on the table.

#### BILLS INTRODUCED.

By unanimous consent,  
Mr. Neff introduced,

House bill No. 8. A bill defining certain rights and privileges and duties of railroad companies and their officers, allowing process to issue from any county on the line of road.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Denby introduced,

House bill No. 9. A bill to amend section 22 of an act entitled an act for the incorporation of insurance companies, defining their powers and prescribing their duties; approved June 17, 1852.

Which was read a first time, and passed to a second reading.

By unanimous consent,  
Mr. Cullen introduced,

House bill No. 10. A bill to provide for the approval of official bonds in cases not now provided for by law.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Kerr introduced,

House bill No. 11. A bill to amend the second section of an act, entitled "an act concerning the organization of voluntary associations, and repealing former laws in reference thereto," so as to authorize the formation of ferry companies,

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Gordon introduced,

House bill No. 12. A bill to regulate the action of the two Houses of the General Assembly, in all cases wherein they may be required by the constitution or laws to go into joint convention, and to repeal all laws and joint resolutions, and usages inconsistent with the provisions therewith.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Studabaker introduced,

House Bill No. 13. A bill supplement to an act, entitled an act to exempt property from sale in certain cases; approved February 17th, 1852.

Which was read a first time and passed to a second reading.

By unanimous consent,

Mr. Carnahan introduced,

No. 14. A bill to amend the 30th section of an act regulating the fees of officers, and repealing former acts in relation thereto; approved March 2, 1855.

Which was read a first time and passed to a second reading.

The Speaker laid before the House the following communication from the Superintendent of the Deaf and Dumb Asylum:

*Indianapolis, January 12, 1857.*

TO HON. B. SMITH,

*Speaker of the House of Representatives:*

SIR:—Please lay before the House of Representatives, the accompanying report of the Trustees and Superintendent of the "Indiana Institution for educating the deaf and dumb."

Respectfully.

THOS. MAC INTIRE, *Sup't.*

By unanimous consent,  
Mr. Neff introduced,

House bill No. 15. A bill allowing the clerk and sheriff to appoint judge of court of common pleas.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Dobbins introduced,

House bill No. 16. A bill repealing the fifth section of an act regulating general elections and prescribing the duties of officers in relation thereto; approved June 7, 1852.

Which was read a first time and passed to a second reading.

On motion by Mr. Lane,

*Resolved*, That the committee on banks be instructed to ascertain if any of the directors or officers of the old State Bank have been appointed or are acting as directors or officers of the new State Bank, and that said committee report by bill or otherwise, forbidding the same, and requiring them removed.

On motion by Mr. McFarland,

The House adjourned until 20 minutes before 2 o'clock P. M.

20 MINUTES BEFORE 2 o'CLOCK P. M.

The House met.

The Speaker laid before the House the following communication from the Superintendent of the Hospital for the Insane.

INDIANA HOSPITAL FOR THE INSANE, }  
Indianapolis, Jan. 12, 1857. }

HON. BALLARD SMITH,

*Speaker of the House of Representatives :*

Please lay before the House of Representatives the report of the Board of Commissioners and Superintendent of this institution.

Very respectfully,

JAMES S. ATHON,  
*Superintendent.*

Which,

On motion,

Was laid on the table.

The Speaker laid before the House the following communication from the Agent of State, with the accompanying report :

INDIANAPOLIS, January 12th, 18

HON. BALLARD SMITH,

*Speaker of the House of Representatives :*

SIR :—Please lay before the House of Representatives my annual report, and oblige,

Yours, respectfully,

JOHN M. LORD.  
*Agent of State.*

Which,

On motion,

Was laid on the table.

The Speaker made the following announcement from the Chair :

*Gentlemen of the House of Representatives :*

The constitution of the State of Indiana requires that the Speaker shall open and publish the returns of the election for Governor and Lieutenant Governor, in the presence of both Houses of the General Assembly, and as the official term of the Governor and Lieutenant Governor elect, commence this day, I have communicated



an invitation to the Senate, requesting them to meet the House in this Hall, and in obedience to the constitution, I shall so soon as the Senate appear, proceed to publish the returns for Governor and Lieutenant Governor.

Mr. Kerr offered the following preamble and resolution :

**WHEREAS**, The Speaker of this House has announced his intention to proceed forthwith in this Hall to open and publish the election returns for Governor and Lieutenant Governor, in pursuance of the requisitions of the constitution, and has given the Senate notice thereof,

*Resolved*, That the House will attend upon the appointment of the Speaker in the discharge of the duties devolved upon them by the constitution, and that seats be provided for the members of the Senate on the right of the Speakers seat.

*Resolved further*, That the Senate be informed of the same, and that the House is now ready to proceed to said business.

Which was agreed to.

The Senate then, in pursuance of the invitation of the House, communicated through the Speaker, came into the Hall of the House, preceded by the President of the Senate.

When,

The joint Convention was called to order by the President of the Senate.

The President then declared

**GENTLEMEN** :—We have assembled in joint convention, in accordance with the provision of section 4, article 5, of the constitution of the State of Indiana, which reads as follows :

“**SEC. 4.** In voting for Governor and Lieutenant Governor, the electors shall designate for whom they vote as Governor, and for whom as Lieutenant Governor. The returns of every election for Governor and Lieutenant Governor, shall be sealed up and transmitted to the seat of government, directed to the Speaker of the House of Representative, who shall open and publish them in the presence of both Houses of the General Assembly.”

The Speaker of the House of Representatives will now proceed to open and publish the returns for the election of Governor and Lieutenant Governor of the State of Indiana.

The Speaker of the House of Representatives, then, in the presence of both House of the General Assembly, proceeded to open the returns of the votes cast for Governor and Lieutenant Governor of the State of Indiana, on the 14th day of October, 1856, and, on counting all of the votes returned, it appeared therefrom, that, for the office of Governor :

Ashbel P. Willard had received . . . . .	117,981 votes.
Oliver P. Morton had received . . . . .	112,139 votes.

Ashbel P. Willard having received a majority of all the votes cast, was, by the Speaker of the House of Representatives, in the presence of both Houses of the General Assembly of the State of Indiana, declared duly elected Governor of the State of Indiana, to serve as such for the term of four years, from, and after the second Monday in January, A. D., 1857.

The President of the Senate then called Senator Tarkington to the chair.

Ashbel P. Willard was then sworn into office by Hon. Samuel E. Perkins, one of the Judges of the Supreme Court, and delivered his inaugural address:

*Senators, Representatives, and Fellow Citizens:*

The oath of office just taken, requires of me a performance of the duties assigned to the Chief Magistrate of the State, in the Constitution and the laws.

I am well persuaded that I cannot return my gratitude to a confiding people for the high honor they have conferred upon me, in a more efficient manner, than by devoting what ability I may possess to the execution of their laws, and the protection of their constitutional rights.

My predecessor, in his annual message, has exhibited the condition of the State, showing that we are steadily advancing in wealth and prosperity; indeed it is evident that if the next twelve years shall be as fruitful in developing the resources of the State as the last twelve have been, Indiana will have as large an amount of wealth to each inhabitant as any of the United States.

That this desirable result may be attained, it is essential that wisdom should guide your counsels in reforming old and making new laws. There has been no act passed within the last few years, save one, which has been so discussed before the voters of the State, that their Representatives could clearly infer what was the will of a majority of the citizens, and that was the act approved Feb. 16, 1855, entitled "an act to prohibit the manufacture and sale of spirituous and intoxicating liquors, except in cases therein named, and to repeal all former acts inconsistent therewith, and for the suppression of intemperance." After a full consideration, a large majority of the voters have declared that this act has been more productive of evil than of good; and I trust its former advocates will be willing to unite with others for its repeal.

There has been during the last few years an earnest effort made, not only in Indiana, but in other States, to create jealousy and strife between those who had hitherto been friends and equals. Until 1854, during most of the time since the adoption of the Constitution of the United States, the policy has been to encourage immigration from all civilized countries, by the establishment of liberal laws for naturalization. Many of the States, including Indiana, in support of this wise policy, conferred, at an early day,

the right of suffrage upon those who were willing to abjure their allegiance to all foreign governments, and swear fidelity to ours.

Allured by these promises of protection and liberty, the tide of immigration swelled rapidly; multitudes were hastening from the overtaxed and unpaid labor of Europe to make their homes in a country which offered such a prospect of improvement in their condition. Two years ago, designing men, well knowing the pride of the American born in his native land, and the prejudice many entertained for the prevailing religion of a large majority of adopted citizens, endeavored to deprive them of their rights, guarantied by the Constitution and laws of the United States, and the Constitution of the State of Indiana, by making new, illegal and anti-American tests for office. For the first time since the establishment of our present form of government, the effort has been made to tear down the standard of toleration erected by our fathers and plant in its stead the one which represents the narrow bigotry and superstition of Europe; to transplant upon American soil those persecutions and religious wars which so long retarded the advancement of civilization. They proclaimed that ability, integrity and fidelity to the Constitution were no longer qualifications for office, which should entitle their possessor to the confidence and support of his fellow citizens. But on the contrary, so long as he worshiped God in a form contrary to their wishes, or was born upon other than American soil, he must take no part in the administration of the government. They demanded such a change in the laws as should deny to them the benefits of naturalization, until after a residence of twenty-one years.

Why shall we not adopt as an American citizen, the voluntary exile from his native land, within the time now prescribed by law? By so doing we confer upon him no right of suffrage—no right to purchase, hold or alienate property. We simply throw around him the protecting arm of the United States, and advise all other nations that he is as sacred a Son of Liberty as though born under the Constitution.

When, and upon what conditions, persons, either foreign or native born, shall acquire and dispose of property, or exercise the right of suffrage in any State, depends upon no act of Congress, but upon the laws of the State.

These designing men, whose love for office so exceeded their desire for the peace and prosperity of their country, knew that their hopes of success depended upon appealing to the prejudices and passions of men, where no opportunity was offered to counteract their efforts by the soothing influence of reason. Accordingly they established secret political organizations, studiously excluding therefrom all who would not sustain their unchristian and illiberal doctrines. Reflecting men were persuaded that, in a short time, thinking and patriotic citizens would abandon these associations, and they have not been disappointed.

But unfortunately there has sprung therefrom an alarming evil, which requires the strong arm of the law to suppress. I mean the organized violence which has been exhibited at the polls on election days. Many confidently hoped that this evil would be limited to the cities, and that when the storm of passion had subsided, it would pass away, or be suppressed by the local authorities; but, unfortunately, the history of the late elections shows that it has spread beyond the incorporated cities, and has been quite as violent in the country districts. Unless this growing evil is checked without delay, it will not long be confined to contests between the native and adopted citizens, but all who differ concerning the men to be chosen for office, will be arrayed on one side or the other, seeking not by reason and argument to advance their favorite candidate, but by violence, with arms, to strike down his opponents. Then will the ballot-box cease to be the respected arbiter deciding the differences between men—the officers chosen will not command the support of the community in making or executing the laws—the battle will not end when the election is made—it will go on until rebellion and civil war shall take the place of obedience and peace. And why should this be? We determine by our written constitution who is legally entitled to vote. We have the power to punish those who do it, without authority. Let us likewise, with severe and heavy penalties, chastise those who deprive or deter the legal voter from the exercise of one of his most sacred rights. To secure this great privilege of determining their officers by a voice of the majority, mankind have struggled for ages; and now, when it is secured, shall it be thrown away by selfish ambition? Are not the freemen who conquer freemen by violence, as much tyrants over their fellow-citizens as the despot who subdues his people by the sword? You should regard the man who deprives a legal voter of his suffrage as an enemy to liberty—as a tyrant not satisfied that man should be free.

In addition to this violent invasion of the right of suffrage, there has been a systematic effort made by fraudulent and illegal votes to control the government of the State. All good men must regret that there should be found any so lost to every sense of honor, so dead to every patriotic feeling, that they are willing to rob their neighbors of their legal rights by corruption and fraud. Can such men have considered what fatal consequences will flow from this practice if continued? Though they may acquire a temporary ascendancy, they should remember that the peace and good order of community depend upon keeping the ballot-box so that all men will yield a willing obedience to the verdict it renders—all their civil and social rights—all their hopes of liberty for themselves and descendants, depend upon maintaining the purity of the ballot-box. That this great wrong may not be again inflicted upon the State, you should provide such a measure of punishment as will deter the wicked and protect the good. You should punish the illegal voter, and he who procures an illegal vote to be



cast, as a greater felon than the man who has unlawfully taken his neighbor's property. We are all interested in this subject; for if we are satisfied with our form of government—if we are content with the measure of freedom we enjoy, we must maintain the basis of that government and that freedom. And all men must know that liberty and purity of the ballot-box are one and inseparable.

Gentlemen, you have all been more or less engaged in the canvass which has recently closed in Indiana, and you cannot but have observed how few of our fellow citizens determined their action by any benefit they expect to derive, or any injury they feared to suffer from the laws of their own State. Indeed they were seldom called upon to consider those subjects which more nearly affected their local interests, but had their attention rather directed to the laws and institutions of those who reside in neighboring States and territories; and I think I am warranted in expressing the opinion, that the people of no State ever more thoroughly investigated their duty. After the most careful consideration they have decided that, as for Indiana, she will recognize and execute the constitution of the United States as the highest law for the government of her people, as that constitution is interpreted by the tribunal established and authorized by the instrument itself, to decide between the separate and the United States.

That as for those who regulate the laws and institutions of other States, we will concede to them the same sovereignty and independence which we claim for ourselves. Nor do we stop here. If our fellow citizens desire to go beyond the limits of the States and make their homes within the territories (purchased by the blood and treasure of all,) we say they go shorn of none of their sovereign rights which they possessed as citizens of the State, but fully authorized to regulate their domestic affairs in their own way, subject only to the constitution of the United States. At the time the federal Union was formed, all thought as we now do. They believed that it was safe to permit the people of each State to regulate their local institutions in their own way; and that patriotism and christian duty demanded that they should protect them in their rights as they were guarantied by the letter and spirit of the constitution which made that Union.

But during the last canvass, from the press, the rostrum and the pulpit, the proclamation was made that the citizens of some of the States were violating the laws of God and injuring the cause of human freedom by holding a kind of property, which, when the war of the revolution began, had a legal existence in every portion of the vast empire which now recognizes as supreme law the Constitution of the United States—that it was our duty to disregard the plighted faith of our fathers, and trample under our feet the agreement they had made, rather than see the constitutional rights of property maintained; and moreover, that it was our duty to elect a President of the United States, with a Congress to sustain



him, who maintained that when the American citizen crossed the boundary of the State and entered the territory, he should be no longer a freeman, possessed of the inalienable rights of life, liberty and the pursuit of happiness, be reduced to the condition of colonial vassalage—that no new State should be added to the confederacy unless her citizens made her laws, not in accordance with their own will, but in obedience to the tyrannical dictation of the citizens of the old.

Indiana rejected these anti-democratic, unconstitutional doctrines, exhibiting a patriotism and a fidelity to liberty worthy of the best days of the Republic. She instructed her representatives in the Federal Government to protect each citizen in all his rights of property, according to the guaranties of the Constitution, and that they should admit new States into the Union, demanding only that they present a Republican form of government.

If I should become possessed of any information during the present session of the General Assembly, important to be considered, I shall avail myself of the earliest opportunity to communicate the same to their respective bodies.

For the office of Lieutenant Governor, it appeared from the returns aforesaid, that

Abram A. Hammond had received.....	116,717
Conrad Baker had received.....	111,620

Abram A. Hammond having received a majority of all the votes cast, was, by the Speaker of the House of Representatives, in the presence of both Houses of the General Assembly, declared duly elected Lieutenant Governor of the State of Indiana, for the term of four years, from, and after the second Monday of January, A. D., 1857.

Abram A. Hammond was then sworn into office by the Hon. Samuel E. Perkins, one of the Judges of the Supreme Court.

The President of the joint convention then declared said convention adjourned to re-assemble in the Hall of the House of Representatives, on Monday the 2nd day of February, 1857, at 2 o'clock in the afternoon.

The Speaker announced the following Standing Committees and order of business :

*On Elections.*

Messrs. Denby, Abel, Wright, Neff, Moon, Marvin, and Crawford.

*On Judiciary.*

Messrs. Walpole, Kerr, Blake, Conner of Hamilton, Claypool, Conner of Wabash, and Colgrove.

*On Ways and Means.*

Messrs. Sherrod, Schermerhorn, Williams of Lagrange, Humphreys, Moon, Hoagland, and Larue.

*On Banks.*

Messrs. Davis of Sullivan, Larue, Steele, Bethell, Clapp, Reese, and Neal.

*On Education.*

Messrs. Larue, Crowe, Gordon, Smith of Bartholomew, Wagner, Ayres, and Boyd.

*On Organization of Courts of Justice.*

Messrs. Blake, Claypool, McDonald of Lake, Neff, Smith of Delaware, Stillwell, and Wright.

*On Affairs of State Prison.*

Messrs. Kerr, Douglass, Batterton, Wallace, Hayden, Lewis, and Mercer.

*On Swamp Lands.*

Messrs. Reese, Trippet, Price, Brown, Hawkins, Robbins, and Crawford.

*On Apportionments.*

Messrs. Humphreys, Edson, Smith of Bartholomew, Crowe, Batterton, Stone, McFarland, Moon, Robbins, Hoagland, and McDaniel.

*On Claims.*

Messrs. Carnahan, Shoulders, Hayden, Wiley, Whitcomb, Merrifield, and Williams of Lagrange.

*On Trust Funds.*

Messrs. Schermerhorn, Edson, Neal, Early, McDonald of Lake, Reyman, and Todd.

*On Military Affairs.*

Messrs. Bethell, Hayden, Whitcomb, Allen, Lewis, Abel, Vawter, and Crawford.

*On Fees and Salaries.*

Messrs. McDonald of Fountain, Stillwell, Larue, Adams, Moore, Abel, and Neal.

*On Sinking Fund.*

Messrs. Ricketts, Kerr, Steele, Blake, Colgrove, Wallace, and Smith of Delaware.

*On Rights and Privileges.*

Messrs. Studabaker, McKinney, Vawter, Wallace, Evans, Trip-  
pet, and Hutchings.

*On Roads.*

Messrs. Moore, Taggart, Branham, Wiley, Yater, Ayres, and Clapp.

*On Manufactures and Commerce.*

Messrs. Branham, Douglass, Wright, Robbins, Brown, and Price.

*On County and Township Business.*

Messrs. Claypool, Dobbins, Clapp, Modesitt, Austin, Branson, and Ballenger.

*On Agriculture.*

Messrs. Williamson, Bowman, Stone, Yater, Crawford, Landiss and Davis of Hendricks.

*On Benevolent Institutions.*

Messrs. Conduitt, McDonald of Fountain, Dobbins, Branham, Cullen, and Shuman.

*On Temperance.*

Messrs. Cullen, Clark, Evans, Sherrod, Batterton, Ward, and Duncan.

*On Affairs of the Town of Indianapolis.*

Messrs. Gordon, Massey, Slicer, Harrison, Smith of Delaware, Duncan, and Shuman.

*On Accounts and Mileage.*

Messrs. Allen, Herod, Sloss, Clark, Mercer, Taggart, and Jeffers.

*On Enrolled Bills.*

Messrs. Crowe, Bryan, Van Sandt, Ayres, Boyd, Hawkins, and Ward.

*On Engrossed Bills.*

Messrs. Marvin, McGinnis, Davis of Hendricks, Williams of Knox, Sloss, Reyman, and Todd.

*On Canals.*

Messrs. Hoagland, Claypool, Grose, Conner of Wabash, Harrison, Steele, and Slicer.

*On Public Expenditures.*

Messrs. Grose, Bowman, Early, Herod, Branson, Bryan, and Austin.

*On Corporations.*

Messrs. McFarland, Denby, Conner of Wabash, Ricketts, Wagner, Conduitt, and Jeffers.

**JOINT COMMITTEES.***On Public Buildings.*

Messrs. McDonald of Eountain, Adams, and Merrifield.

*On Canal Funds.*

Messrs. Williams of Knox, Bryan, and Ballenger.

*On State Library.*

Messrs. Edson, Davis of Sullivan, and Conner of Hamilton.

**ORDER OF BUSINESS.**

- I. Reading of the Journal.
- II. Petitions, Memorials and Remonstrances.

### III. Reports from Standing Committees.

- 1 On Elections.
- 2 On Ways and Means.
- 3 On Judiciary.
- 4 On Education.
- 5 On Military Affairs.
- 6 On the Affairs of the State Prison.
- 7 On the Affairs of the town of Indianapolis.
- 8 On Claims.
- 9 On Roads.
- 10 On Canals and Internal Improvements.
- 11 On Agriculture.
- 12 On Corporations.
- 13 On Banks.
- 14 On Public Expenditures.
- 15 On Benevolent and Scientific Institutions.
- 16 On Manufactures and Commerce.
- 17 On the Rights and Privileges of the inhabitants of this State.
- 18 On the Organization of Courts of Justice.
- 19 On Swamp Lands.

### IV. Reports from Joint Standing Committees.

- 1 On Public Buildings.
- 2 On the Canal Fund.
- 3 On the State Library.

### V. Reports from Select Committees.

### VI. Resolutions of the House.

### VII. Joint Resolutions.

### VIII. Introduction of Bills.

### IX. Orders of the day.

On motion by Mr. Steele,

Three hundred copies of the Standing Committees of the House were ordered to be printed, together with three hundred copies of the Orders of Business.

On motion,

Mr. McDonald was excused from serving on the committee on the organization of courts.

On motion,

Mr. Abel was excused from serving on the committee on military affairs.

On motion,

Mr. Douglass was excused from serving on the committee on enrolled bills.

By unanimous consent,  
Mr. Colgrove introduced,

House bill No. 17. A bill to provide for the valuation and assessment of the real and personal property of railroad, plank road, turnpike, slack water navigation, telegraph, bridge, and other joint stock companies in the State of Indiana.

Which was read a first time and passed to a second reading.

On motion by Mr. Porter,  
The House adjourned untill to-morrow morning, 9 o'clock,

TUESDAY MORNING, 9 o'clock, }  
January 13, 1857. }

The House met.

The Journal was read.

On motion,  
Mr. Moore was excused from serving as chairman on the committee on roads.

Mr. Grose moved to correct the journal as follows:

1st. Where it states,  
"The Senate then in pursuance of the invitation of the House communicated through the Speaker, came in."

Amend by saying,  
A part of the Senators in pursuance of the invitation, &c., came in, &c.

2d. Where it states,  
"The President of the joint convention declared said convention, &c."

Say Mr. Tarkington, a Senator in the chair, then declared, &c.  
Mr. Smith, of Bartholomew, moved to lay the amendment on the table.

The ayes and noes were demanded by Messrs. Gordon and Grose.



*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Ayres, Bethell, Blake, Bowman, Branson, Brown, Bryan, Carnahan, Clark, Claypool, Conduitt, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Harrison, Herod, Hoagland, Humphreys, Kerr, Landiss, Lane, Lewis, Marvin, Modesitt, Moore, McDaniel, McDonald of Fountain, McFarland, McGinnis, McKinney, Neff, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Stillwell, Studabaker, Taggart, Trippet, Wallace, Walpole, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker—59.

*Those who voted in the negative were,*

Messrs. Austin, Ballenger, Batterton, Boyd, Branham, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Evans, Gordon, Grose, Hawkins, Hayden, Hutchings, Jefferis, Larue, Mercer, Merrifield, Moon, McDonald of Lake, Neal, Price, Shuman, Sloss, Smith of Delaware, Steele, Stone, Todd, Van Sandt, Vawter, Wagner, Ward, Whitcomb, Williams of Lagrange, and Wright.—38.

So the motion to amend was laid on the table.

## PETITIONS, MEMORIALS, &amp;C., PRESENTED.

Mr. Gordon presented a petition from A. H. Jones, M. D., relative to the practice of medicine and surgery.

Which,

On motion,

Was laid upon the table.

Mr. Ayres presented a petition from D. D. Jones and others, relative to the practice of medicine and surgery.

Which,

On motion,

Was laid on the table.

Mr. Claypool presented a petition from Thomas Hughton, and others, relative to changing the law of the act of incorporation of cities.

Which,

On motion,

Was referred to the committee on corporations.

Mr. Van Sandt presented a petition from Levi D. Sheets, and others, relative to the practice of medicine and surgery.

Which,

On motion,

Was referred to the committee on education.

Mr. Lane presented a memorial from B. F. Ferrill, relative to the school law.

Which,

On motion,

Was referred to the committee on education.

#### RESOLUTIONS.

Mr. Bethell offered the following resolution :

*Resolved*, That the committee on county and township business be instructed to enquire into the expediency of so changing the jurisdiction of justices of the peace, as to make debts collectable in the township in which they are contracted.

Which was not adopted.

On motion by Mr. Williams of Knox,

*Resolved*, That the committee of ways and means be instructed to so change the assessment laws, that each tax-payer may deduct his indebtedness from money on hand or at interest, or from his personal property.

Mr. McDaniel offered the following resolution :

*Resolved*, That the committee on education be instructed to report a bill to so amend the school law, that each township will form a general school district, which shall be divided into sub-districts, none of which shall contain less than sixty scholars, and giving each sub-district three directors, whose duty it shall be to take charge of the educational interest of their respective districts, and, also, that said directors form a township board of education, whose duty it shall be to take charge of the general educational interest of the township, and, also, to apportion the fund according to the number of scholars in each sub-district.

Which,

On motion,

Was referred to the committee on education.

On motion by Mr. Branson,

*Resolved*, That the committee on education be instructed to enquire into the expediency of repealing all laws on the subject of common schools, and passing an entire new law in plain language, and report by bill or otherwise.

Mr. Dobbins offered the following resolution :

*Resolved*, That the committee on the organization of courts be instructed to enquire into the expediency of abolishing the court of common pleas, and extending the jurisdiction of justices of the peace, and also, extend the business of the circuit courts.

Which,

On motion,

Was referred to the committee on the organization of courts.

On motion by Mr. Branson.

*Resolved*, That the committee on banks be instructed to enquire into the expediency of repealing an act, entitled an act to establish a bank with branches, passed March the 3d, 1855, and report by bill or otherwise.

Mr. Davis of Sullivan offered the following resolution :

*Resolved*, That the committee on education be requested to enquire into the expediency of reporting a bill providing that the common school law be suspended for the term of five years, and that a competent person be appointed to take charge of the various funds on hand, and so manage and loan the same as to the increase the fund by all lawful means, and to provide that the school houses now built or in process of building shall be turned over to the citizens of the districts where such school houses are located for educational purposes.

Which,

On motion,

Was referred to the committee on education :

Mr. McFarland offered the following resolution :

*Resolved*, That the committee on military affairs be directed to report a bill repealing the militia laws of the State.

Which,

On motion,

Was referred to the committee on military affairs.

On motion by Mr. Bethell,

*Resolved*, That the Adjutant General be requested to report to this House, at his earliest convenience, the amount and condition of all ordnance and other military stores in his possession.

Mr. Marvin offered the following resolution :

*Resolved*, That five thousand copies of the Governor's inaugural message be ordered to be printed in the English language for the use of this House, and five hundred copies for the use of the Governor, and that one thousand be printed in the German language for the use of this House.

Mr. Mercer moved to amend by striking out "5,000" and inserting "2,000."

Which was not agreed to.

The question then being on the adoption of the resolution ?

It was agreed to.

Mr. Denby offered the following resolution :

*Resolved*, That the committee on ways and means be instructed to enquire into the expediency of exempting machinery from taxation, and report by bill or otherwise.

Which was not agreed to.

Mr. Ward offered the following resolution :

*Resolved*, That the committee on the organization of courts of justice, be instructed to enquire into, and if thought expedient, report a bill organizing the several common pleas court districts of this State, so as to reduce the number to about one-half of the present number, and also to provide for the election of judges and prosecutors of common pleas; and also fixing the time of holding said courts, and length of terms, in each county.

Which was not agreed to.

Mr. Ricketts offered the following resolution :

*Resolved*, That the standing committees of this House be authorized to employ clerks, if deemed necessary by a majority of any such committee.

Which was not agreed to.

On motion by Mr. Reese,

*Resolved*, That whereas, owing to the construction of portions of the revenue laws, certain counties have been deprived of the power to assess and collect taxes on real estate belonging to railroad companies; that the committee of ways and means be instructed to enquire into the expediency of immediately reporting a bill for the relief of said counties.

On motion by Mr. Shuman,

*Resolved*, That the House hereafter meet at 9 o'clock in the morning, and at 2 o'clock in the afternoon, until otherwise ordered.

On motion by Mr. Moon,

*Resolved*, That the committee on education be requested to enquire into the law approved June 14, A. D. 1852, providing for a general and uniform system of common schools, so as to dispense with the traveling duties of the State Superintendent, with a reduction of his fees and traveling expenses, and clerk hire, with leave to report by bill or otherwise.

Mr. Robbins offered the following resolution:

*Resolved*, That this House enquire of the Senate, whether or not they did meet yesterday in joint committee with the House, in compliance with art, 5th, sec. 4th, of the Constitution; and to notify this House immediately of this fact.

Which,

On motion,

Was laid on the table.

On motion by Mr. Humphreys,

The vote taken this morning, on Mr. Denby's resolution relative to exempting machinery from taxation,  
Was reconsidered.

On motion by Mr. Denby,

The resolution was referred to the committee on ways and means.

On motion by Mr. Blake,

*Resolved*, That the committee on organization of courts of justice, enquire into the expediency of establishing another district for the election of an additional supreme judge.

On motion by Mr. Herod,

*Resolved*, That the committee on roads be instructed to report a bill reducing the width of the Michigan road, from one hundred feet to sixty feet.

On motion by Mr. Edson,

*Resolved*, That the committee on temperance be instructed to enquire into the expediency of re-enacting a certain act entitled "an act to regulate the retailing of spirituous liquors and for the

suppression of evils arising therefrom," approved March 4, 1853; and further to enquire into the expediency of imposing upon all retailing shops, a tax sufficient to limit their number, and of making it a penalty to adulterate or knowingly to sell adulterated liquors.

On motion by Mr. Mercer,

*Resolved*, That the Auditor of State furnish to this House a statement of the amount of money that has been paid in conformity with the 5th section of an act, entitled an act to provide for the election of officers for the State Prison, and for the appraisement of property at said prison; approved March 3d, 1855, and to whom paid since the passage of said act.

The Speaker laid before the House the following communication from the Auditor of State :

HON. BALLARD SMITH,

*Speaker of the House of Representatives :*

I beg leave to report through you to your honorable body, that much of the money of the suspended free banks, returned to this office for cancellation and redemption—large in amount and formidable in bulk—remains on hand in this office—the bankers having failed to appear and count and burn the same, as required by law, and the same being exposed, and liable to be misplaced, lost or purloined, and the impossibility of ascertaining or determining who should be held responsible for the same, if it should be turned over to my successor. I respectfully suggest that some action be taken in reference to the same, by which it may be counted and burned, and certified thereto, so that the same may be satisfactorily accounted for to the banker on a final settlement.

Yours respectfully,

H. E. TALBOTT,

*Auditor of State.*

Which,

On motion,

Was referred to the committee on banks.

A message from his Excellency, the Governor, by Mr. Osborne, executive messenger :

EXECUTIVE DEPARTMENT, INDIANA, {  
Indianapolis, January 13, 1857. }

*To the House of Representatives of Indiana :*

GENTLEMEN:—Samuel Osborne, Esq., is authorized to make executive communications from the undersigned to your branch of the General Assembly, during the present session.

ASHBEL P. WILLARD.



On motion by Mr. Branson,

*Resolved*, That the committee on the organization of courts of justice be instructed to enquire into the expediency of re-districting the State, and reducing the number of supreme judges to three, and report by bill or otherwise.

On motion by Mr. Smith of Delaware,

*Resolved*, That the committee on the town of Indianapolis be instructed to enquire into the expediency of purchasing the two lots lying north of the State House Square, and adjoining the vacant grounds of the State, also, into the expediency of procuring an order from the corporation of Indianapolis to vacate intervening streets and alleys, also, into the expediency of selling the lots of the State upon Washington street, and applying the proceeds of said sale, (as far as they may go) to the erection of State offices, upon the first named grounds, and report the same to this House at the earliest opportunity.

The Speaker laid before the House the following communication from the State Librarian :

STATE LIBRARY ROOMS, }  
January 10th, 1857, }

HON. BALLARD SMITH,

*Speaker of the House of Representatives :*

You will please lay before the House, over which you preside, the accompanying report of the State Librarian.

Very respectfully,

Your obedient servant,

GORDON TANNER.

On motion by Mr. Edson,

*Resolved*, That the committee on township and county business be instructed to enquire into the expediency of abolishing the township system, and of transferring all township business, as far as practicable, to the county commissioners.

On motion by Mr. Moore,

*Resolved*, That the committee of ways and means be instructed to enquire what deduction is necessary in the per centage of the county treasurers of this State, and report by bill or otherwise.

On motion by Mr. Bethell,

*Resolved*, That the committee on county and township business be instructed to enquire into the expediency of changing the 5th sec. of an act for the more uniform mode of doing township business, so as to elect one trustee, clerk and treasurer, whose business it shall be to perform the same duties that three trustees, clerk and treasurer now perform.

#### JOINT RESOLUTIONS INTRODUCED.

Mr. Davis of Sullivan introduced,

No. 2. A joint resolution in regard to burning the canceled notes of the Free Banks now in the office of the Auditor of State. Which was read a first time and passed to a second reading.

On motion by Mr. Studabaker,  
The order of business was suspended.

Mr. Studabaker called up the memorial of Samuel S. McBride, relative to the contested seat from Rush county, heretofore laid on the table.

Which,  
On motion,  
Was referred to the committee on elections.

On motion by Mr. Grose,  
The order of business was suspended.

Mr. Grose called up the memorial of Leonidas Sexton, relative to the contested seat from Rush county, heretofore laid on the table.

When,  
On motion,  
It was referred to the committee on elections.

On motion,  
The House adjourned.

The House met.

2 o'clock, P. M.

ORDERS OF THE DAY.

*House Bills on Second Reading.*

No. 7. A bill to authorize and regulate the taking of appeals from the court of common pleas to the circuit court.

Was read a second time.

On motion by Mr. McFarland,

Referred to the committee on the judiciary.

No. 8. A bill defining certain rights, privileges and duties of railroad companies, and their officers, and allowing process to issue from any county on the line of road.

Was read a second time.

On motion by Mr. Walpole,

Referred to the committee on ways and means.

No. 9. A bill to amend sec. 22 of an act, entitled "an act for the incorporation of insurance companies, defining their powers and prescribing their duties;" approved June 17, 1852.

Was read a second time.

On motion,

Referred to the committee on corporations.

No. 10. A bill to provide for the approval of official bonds in cases not now provided for by law.

Was read a second time.

When,

On motion by Mr. Clapp,

It was referred to the committee on county and township business.

No. 11. A bill to amend the 2d section of "an act concerning the organization of voluntary associations, and repealing former laws in reference thereto," so as to authorize the formation of ferry companies.

Was read a second time.

On motion by Mr. Conner of Wabash,

Referred to the committee on corporations.

No. 12. A bill to regulate the action of the two Houses of the General Assembly, in all cases wherein they may be required by the constitution or laws to go into joint convention, and to repeal all laws and joint resolutions, and usages inconsistent with the provisions thereof.

Was read a second time.

On motion by Mr. Studabaker,

It was referred to the committee on the judiciary.

No. 13. A bill supplemental to an act, entitled an act to exempt property from sale in certain cases; approved February 17th, 1852.

Which was read a second time.

On motion by Mr. Taggart,

It was referred to the committee on the judiciary.

No. 14. A bill to amend the 30th section of an act regulating the fees of officers, and repealing former acts in relation thereto; approved March 2, 1855.

Was read a second time,

Mr. Clapp moved to amend the bill by striking out the word "county surveyor," wherever it occurs in the bill.

When,

On motion,

The bill and pending amendment were referred to the committee on county and township business.

No. 15. A bill allowing the clerk and sheriff to appoint judge of court of common pleas.

Was read a second time,

And,

On motion by Mr. Humphreys,

It was referred to committee on the organization of courts of justice.

No. 16. A bill repealing the fifth section of an act regulating general elections, and prescribing the duties of officers in relation thereto; approved June 7, 1852.

Was read a second time.

Mr. Wright submitted the following amendment:

Amend by striking out forty days and insert six months.

When,

On motion,

The bill and pending amendments were referred to the committee on the judiciary.

No. 17. A bill to provide for the valuation and assessment of the real and personal property of railroad, plank road, turnpike, slack water navigation, telegraph, bridge and other joint stock companies in the State of Indiana.

Was read a second time.

On motion by Mr. Taggart,

Was referred to committee on ways and means.

#### JOINT RESOLUTIONS ON SECOND READING.

No. 1. A joint resolution declaring it unconstitutional and impolitic for the State to purchase the Wabash and Erie Canal.

Was read a second time,  
 When,  
 On motion by Mr. Steele,  
 It was referred to the committee on canals.

#### HOUSE BILLS ON THIRD READING.

No. 2. A bill ceding to the United States of America, jurisdiction over certain lands, and their appurtenance in the city of Indianapolis, and the exempting of the same from taxation.

Was read a third time,

On motion by Mr. Davis of Sullivan,  
 And by the unanimous consent of the House,  
 The bill was amended as follows :

After the words have been, insert in 4th line, 1st section, the words, " or may be."

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Batterton, Bethell, Blake, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Evans, Gordon, Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Hutchings, Jefferis, Kerr, Lane, Larue, Lewis, Marvin, Merrifield, Modesitt, Moon, Moore, McDaniel, McDonald of Lake, McFarland, McGinnis, McKinney, Neal, Neff, Price, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Stone, Taggart, Todd, Trippet, Van Sandt, Vawter, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange Williamson, Wright, and Yater—91.

*Those who voted in the negative were.*

Messrs. Landiss, Mercer, Studabaker, Walpole, and Mr. Speaker—5.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

A message from the Senate by Mr. Harvey, their Secretary.

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bill thereof:

Bill No. 1. A bill to apportion Senators and Representatives for the next four years.

The bill contained in the foregoing message,  
Was read a first time, and passed to a second reading.

A message from the Senate, by Mr. Harvey, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have concurred in the following resolution of the House :

*Resolved*, That the Senate be invited to attend in the Hall of the House of Representatives at two and a half o'clock this afternoon, to open and publish the returns of the election for Governor and Lieutenant Governor, as required by the 4th section of the 5th article of the Constitution of the State of Indiana.

With the following amendment :

Amend by striking out "two and a half o'clock," and insert three o'clock.

Also, add the following :

That in such joint convention no other business shall be transacted except that of opening, counting and publishing the returns of votes for Governor and Lieutenant Governor, witnessing the inauguration and the administration of the oaths office, and when that is done, such joint convention shall stand adjourned *sine die* without motion.

In which amendment the concurrence of the House is respectfully requested.

Mr. Humphreys moved to lay the resolution contained in the foregoing message, on the table.

The ayes and noes were demanded by Messrs. Grose and Clapp.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Ayres, Bethell, Blake, Boyd, Branson, Brown, Bryan, Carnahan, Clark, Claypool, Conduitt, Crowe, Cullen, Davis of Sullivan, Dobbins, Douglass, Duncan, Early, Edson, Harrison, Hayden, Herod, Hoagland, Humphreys, Kerr, Landiss, Lane, Lewis, Marvin, Medesitt, Moore, McDaniel, McDonald of Lake, McFarland, McGinnis, McKinney, Neff, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Stillwell, Studabaker, Taggart, Trippet, Wallace, Walpole, Wiley, Williams of Knox, Williamson, Wright, Yatter, and Mr. Speaker—61.



*Those who voted in the negative were,*

Messrs. Austin, Ballenger, Batterton, Branham, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Davis of Hendricks, Evans, Gordon, Grose, Hawkins, Jefferis, Larue, Mercer, Merrifield, Moon, Neal, Price, Shuman, Sloss, Smith of Delaware, Steele, Stone, Todd, Van Sandt, Vawter, Wagner, Ward, Whitcomb, and Williams of Lagrange—33.

So the resolution was laid on the table.

Mr. Davis of Sullivan, move to suspend the rule and read.

Joint resolution No 2. A joint resolution in regard to the canceled notes of the Free Banks now in the office of Auditor of State,

A second time now.

The ayes and noes being demanded by Messrs. Davis of Sullivan, and McDonald of Lake,

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Austin, Ayres, Ballenger, Batterton, Bethell, Blake, Boyd, Branham, Branson, Brown, Clapp, Claypool, Colgrove, Conner of Hamilton, Conduitt, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Evans, Gordon, Harrison, Hawkins, Hayden Herod, Hoagland, Humphreys, Hutchings, Kerr, Landiss, Lane, Larue, Lewis, Marvin, Mercer, Merrifield, Modesitt, Moore, McDaniel, McDonald of Lake, McFarland, McGinnis, McKinney, Neal, Neff, Price, Reese, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Shuman, Slicer, Sloss, Smith of Delaware, Steele, Stillwell, Studabaker, Taggart, Trippet, Van Sandt, Vawter, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Wright, and Yater—80.

*Those who voted in the negative were,*

Messrs. Allen, Carnahan, Clark, Conner of Wabash, Edson, Grose, Jefferis, Moon, Reynan, Smith of Bartholomew, Stone, Walpole, and Mr. Speaker—13.

So the rule was suspended and the joint resolution read a second time.

On motion by Mr. Walpole,

The joint resolution was laid on the table.

On motion by Mr. Davis of Sullivan,

The House resolved itself into committee of the whole on the Governor's message, Mr. Davis in the chair, and after spending some time in consideration thereof, the committee rose and submitted the following report, through their chairman :

MR. SPEAKER :

The committee of the whole House to which was referred the Governor's annual message, have had the same under consideration, and adopted sundry resolutions in reference thereto, in which they ask the concurrence of the House.

*Resolved*, That so much of the Governor's message as refers to the Madison and Indianapolis Railroad, be referred to the committee on corporations.

*Resolved*, That so much of the Governor's message as refers to the growth and prosperity of the State, be referred to the committee on agriculture.

*Resolved*, That so much of the Governor's message as relates to the sinking fund, be referred to the committee on sinking fund.

*Resolved*, That so much of the Governor's message as refers to the Wabash and Erie Canal, be referred to the committee on canals and internal improvements.

*Resolved*, That so much of the Governor's message as refers to Agent of State, be referred to the committee on ways and means.

*Resolved*, That so much of the Governor's message as refers to the Hospital for the Insane, the Asylum for the Blind, and Deaf be referred to the committee on benevolent institutions.

*Resolved*, That so much of the Governor's message as relates to the apportionment of the State, be referred to the committee on apportionment.

*Resolved*, That so much of the Governor's message as relates to salaries of officers, be referred to committee on fees and salaries.

*Resolved*, That so much of the Governor's message as relates to temperance, be referred to the committee on temperance.

*Resolved*, That so much of the Governor's message as refers to education, be referred to the committee on education.

*Resolved*, That so much of the Governor's message as relates to the affairs of the State prison, be referred to the committee on the affairs of the State prison.

*Resolved*, That so much of the Governor's message as relates to finances, be referred to the committee of ways and means.

*Resolved*, That that part of the Governor's message referring to the bank of the State of Indiana, be referred to the committee on banks.

*Resolved*, That so much of the Governor's message as relates to illegal voting, be referred to the committee on the rights and privileges of the inhabitants of the State.

*Resolved*, That that part of the Governor's message relating to the city of Indianapolis, be referred to the committee on the affairs of Indianapolis.

*Resolved*, That so much of the Governor's message as relates to swamp lands, be referred to the committee on swamp lands.

*Resolved*, That that part of the Governor's message relating to agriculture, be referred to the committee on agriculture.

*Resolved*, That so much of the Governor's message as refers to the increase of the number of our supreme judges, be referred to the committee on the organization of courts of justice.

*Resolved*, That so much of the Governor's message as refers to the increase of the Governor's salary, be referred to the committee on fees and salaries.

*Resolved*, That so much of the Governor's message as refers to divorces, be referred to the committee on the judiciary.

*Resolved*, That so much of the Governor's message as relates to State rights, the rights of the people inhabiting the Territories, and the result of the election in the State of Indiana for President, be referred to a select committee of one from each congressional district.

By unanimous consent,  
Mr. McGinnis introduced,

House bill No. 18. A bill to provide for the reappraisement of the real estate in this State, and the apportionment of appraisers, and to provide for their compensation.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Neff introduced,

House bill No. 19. A bill creating the fourteenth judicial circuit and providing for the election of judge thereof.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Denby introduced,

House bill No. 20. A bill to amend secs. 142, 143 and 202 of an act, entitled "An act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State;" approved June 21, 1852.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Sherrod introduced,

House bill No. 21. A bill to appraise the real estate of the State of Indiana, and to make the value of the same equal throughout the State.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Edson introduced,

House bill No. 22. A bill to provide for a geological, mineralogical and agricultural survey of the State of Indiana.

Which was read a first time and passed to a second reading.

On motion by Mr. Sherrod,  
Messrs. Crowe and Cullen were added to the committee on ways and means.

On motion by Mr. Abel,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of abolishing the present mode of selecting jurors in the circuit courts and courts of common pleas, and to provide a cheaper and better system therefor, and that they report by bill or otherwise.

On motion by Mr. Kerr,  
Messrs. Denby and Gordon were added by the Speaker to the committee on the judiciary.

Mr. Cullen offered the following resolution:

*Resolved*, That when a bill or joint resolution shall be put on its passage, and shall receive a majority of the votes cast, but not the number required by the constitution, the same shall not be lost, but when bill and joint resolutions upon their third reading shall be in order, any member who voted with the majority, or who did not vote at all, may call the same up, and the House shall take another vote thereon, and any number of votes may be taken in such cases by the House.

Which lays over, under the rule.

Mr. Todd of Marion,  
By unanimous consent of the House, introduced,

House bill No. 23. A bill for the removal of the old buildings on the Governor's circle in Indianapolis, and for the improvement of the premises.

Which was read a first time and passed to a second reading.

Mr. Blake offered the following resolution :

*Resolved*, That any one of the standing committees of this House shall have authority to employ a clerk, if in the progress of business the same shall be found to be necessary.

Mr. Studabaker moved to amend, by striking out all, and insert ways and means and judiciary.

Mr. Bethell moved to amend by inserting, "committee on banks."

On motion by Mr. Lane,  
The amendments were laid on the table.

The question then being on the adoption of the resolution?

The ayes and noes were demanded by Messrs. Studabaker and McDonald of Lake.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Batterton, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Clark, Claypool, Conner of Hamilton, Conner of Wabash, Conduitt, Crowe, Cullen, Davis of Sullivan, Denby, Duncan, Early, Edson, Evans, Gordon, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Jefferis, Kerr, Landiss, Lane, Larue Lewis, Merrifield, Modesitt, Moon, McDaniel, McDonald of Lake, McFarland, McKinney, Price, Reese, Reyman, Ricketts, Schermerhorn, Sherrod, Shuman, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Taggart, Todd, Trippet, Van Sandt, Vawter Wagner, Wallace, Ward, Whitcomb, Wiley, Williamson, Wright, and Yater.—70.

*Those who voted in the negative were.*

Messrs. Ayres, Bethell, Clapp, Colgrove, Crawford, Dobbins, Douglass, Hutchings, Mercer, Moore, McGinnis, Neal, Neff, Robbins, Shoulders, Slicer, Sloss, Stone, Studabaker, Williams of Knox, Williams of Lagrange, and Mr. Speaker.—22.

So the resolution was adopted.

Mr. McDonald of Lake moved to reconsider the vote just taken,

Mr. Davis of Sullivan moved to lay the motion on the table.

The ayes and noes were demanded by Messrs. Massey and Bethell.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Ballenger, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Clark, Claypool, Conner of Hamilton, Conduitt, Crawford, Crowe, Cullen, Davis of Sullivan, Denby, Duncan, Early, Edson, Evans, Gordon, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Hutchings, Jefferis, Kerr, Landiss, Lane, Larue, Lewis, Marvin, Merrifield, Modesitt, Moon, McDaniel, McFarland, McKinney, Price, Reese, Reyman, Ricketts, Schermerhorn, Sherrod, Shuman, Steele, Stillwell, Taggart, Todd, Trippet, Van Sandt, Vawter, Wagner, Wallace, Ward, Whitcomb, Wiley, Williamson, Wright, and Yatter.—69.

*Those who voted in the negative were,*

Messrs. Austin, Ayres, Batterton, Clapp, Colgrove, Conner of Wabash, Dobbins, Douglass, Mercer, Moore, McDonald of Lake, McGinnis, Neal, Robbins, Shoulders, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Stone, Studabaker, Williams of Knox, Williams of Lagrange, and Mr. Speaker.—24.

So the motion was laid on the table.

Mr. Marvin, chairman of committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined engrossed House bill No. 2, and compared it with the original copy thereof, and find that it has been correctly engrossed.

On motion by Mr. Wright,  
The House adjourned.



WEDNESDAY MORNING, 9 o'clock, {  
January 14, 1857.

The House met.

The journal was read and adopted.

On motion by Mr. Kerr,  
Leave of absence was granted Mr. Gordon.

The Speaker announced the following select committees on resolutions adopted in committee of the whole on the Governor's message, on yesterday:

On the resolution relative to the superintendent of weights and measures at Washington:

Messrs. Hayden, Landiss, Williamson, Branson and Hawkins.

On the resolution relative to houses of refuge:

Messrs. Claypool, Larue, Denby, Wallace, Smith of Bartholomew, Hayden, Smith of Delaware, Ricketts, Reese, McDaniel, and Clapp.

On the resolution relative to the improvement of the Ohio river:  
Messrs. Gordon, Kerr, Carnahan, Lane, and Branham.

On the resolution relative to State rights of the people inhabiting the Territories &c.

Messrs. McDonald of Lake, Hoagland, Marvin, Todd, Carnahan, Neal, Wallace, Wright, Lewis, Jeffers, and Stilwell.

On the resolution relative to a geological survey of the State:  
Messrs. Edson, Douglass, Gordon, Dobbins, and Steele.

On motion by Mr. McKinney,

*Resolved*, That the committee on education be instructed to enquire into the expediency of so amending the Constitution of Indiana, as to abolish the office of State Superintendent of Public Instruction, and to report by bill or otherwise.

On motion by Mr. Boyd,

*Resolved*, That the committee on ways and means be instructed to enquire into the expediency of so changing our assessment laws as to exempt the property of widows who are not worth three hundred dollars, from taxation.

On motion by Mr. Crawford,

*Resolved*, That the committee on roads enquire into the expediency of authorizing the board of county commissioners to regulate the width of State roads heretofore located, so as to conform to the wishes of the people of the counties, and to report by bill or otherwise.

On motion by Mr. Moore,

*Resolved*, That the committee on county and township business be instructed to inquire what change should be made in the mode and manner of assessing the personal property of this State, with leave to report by bill or otherwise.

On motion by Mr. Harrison,

*Resolved*, That the committee on county and township business be instructed to enquire into the expediency of abolishing the office of township assessor, and elect one in each county, and report by bill or otherwise.

On motion by Mr. Merrifield,

The resolution relative to frauds in the passage of the bill organizing the Bank of the State of Indiana, was taken up.

The resolution was then adopted.

On motion by Mr. Dobbins,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of repealing and striking out the 117th section of an act to revise, simplify and abridge, the rules, practice, pleading and forms in criminal actions, in the courts of this State; approved June 7, 1852.

On motion by Mr. Bethell,

*Resolved*, That the committee on roads be instructed to enquire into the expediency of levying a tax upon non-resident lands for road purposes, and report by bill or otherwise.

The Speaker laid before the House the following communication from the Treasurer of State :

OFFICE OF TREASURER OF STATE, }  
Indianapolis, January 12th, 1857. - }

HON. BALLARD SMITH,

*Speaker of the House of Representatives :*

SIR:—I have received the following resolution of the House, to-wit :

*Resolved*, That the Treasurer of State be requested to furnish this House with the precise amount of the State's indebtedness; the amount of outstanding bonds of the different kinds and descriptions; the length of time that it will take to liquidate this debt by a reasonable levy upon the taxable property of the State.

In regard to the amount of our public debt, and the different kinds of stocks of which it consists, I beg leave, respectfully, to refer the House to the report of the Auditor of State, which doubtless, is, or will be in a very few days, upon the desk of each member. But in relation to the last part of the resolution, "the length of time that it will take to liquidate this debt by a reasonable levy upon the taxable property of the State," the answer must depend entirely upon what the legislature may construe to be a "reasonable levy." If the legislature considers the present sinking fund tax a reasonable levy, then it will take over one hundred years to pay off the public debt! But if they conclude that one mill to the dollar is reasonable, which I sincerely trust they may, then about ten years will be sufficient to wipe out our public debt. In order to demonstrate this assertion, we make the following estimate, which is deemed sufficiently accurate to show the operation of one mill tax in paying our public debt in the next ten years, to-wit :

1857.	Outstanding $2\frac{1}{2}$ per cent. State bonds.....	\$1,847,000
	One mill tax will produce \$107,000—this sum	
	at 60 cents to the dollar, will purchase of $2\frac{1}{2}$	
	per cent. Stocks.....	678,333
		<hr/>
1858.	Leaves outstanding or unretired .....	\$1,168,667
	Tax of 1858 produces .....	407,000
	Add interest on retired bonds.....	22,208
		<hr/>
	This sum .....	\$429,208
	At 65 cts., will buy of $2\frac{1}{2}$ per cents.....	660,320
		<hr/>
1859.	Amount of $2\frac{1}{2}$ per cents outstanding.....	\$508,317
	Tax of 1859 produces.....	407,000
	Add interest on retired bonds.....	38,721
		<hr/>
	\$355 842 of this sum .....	\$445,721

At 70 cents will purchase .....	508,347
<hr/>	
Which retires all the 2½ per cents, and leaves the sum of \$89,879 for the purchase of Indi- ana 5 per cent. stock, which, at 85 cents per dollar, will buy.....	\$105,740
Add amount bought heretofore.....	75,000
<hr/>	
Deduct this sum from.....	\$180,740
Whole amount of outstanding 5 per cents .....	5,301,500
<hr/>	
1860. Amount outstanding .....	\$5,120,740
Tax of 1860.....	\$488,000
Add interest on retired bonds.....	59,962
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This sum .....	\$549,962
At 85 cents will purchase.....	644,661
<hr/>	
1851. Leaves outstanding .....	\$4,476,099
Tax of 1861 .....	\$488,000
Interest on retired bonds .....	92,195
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This sum .....	\$580,195
At 87 cents will purchase.....	666,890
<hr/>	
1862. Leaves outstanding .....	\$3,809,209
Tax of 1862 .....	\$488,000
Interest on retired bonds .....	126,039
<hr/>	
This sum .....	\$614,039
At 90 cents will purchase.....	682,222
<hr/>	
1863. Leaves outstanding .....	\$3,126,987
Tax of 1863.....	\$488,000
Interest on retired bonds.....	158,539
<hr/>	
This sum .....	\$646,539
At 92 cents will purchase.....	702,759
<hr/>	
1864. Leaves outstanding .....	\$2,424,228
Tax of 1864 .....	\$488,000
Interest on retired bonds .....	193,677
<hr/>	
This sum .....	\$681,677
At 94 cents will purchase.....	725,188
<hr/>	
1865. Leaves outstanding .....	\$1,669,040
Tax of 1865 .....	\$488,000

Interest on retired bonds.....	229,936	
This sum .....	\$717,936	
At 96 cents will purchase.....		747,850
1866. Leaves outstanding .....		\$951,190
Tax of 1866 .....	\$188,000	
Interest on retired bonds.....	267,323	
This sum ..	\$755,323	
At 98 cents will purchase.....		770,742
		\$180,448
In commencing above estimate the bonds bought last two years were overlooked, which de- duct .....		105,000
Leaves outstanding in 1867 only.....		\$75,448

The above estimate is predicated upon the supposition that the legislature will authorize a new assessment of real estate both in 1857 and also in 1860.

Take the State at large and the average amount of State, county, school and other taxes is about 105 cents to the hundred dollars—of this 105 cents only 22 of it is paid for State purposes, including the State debt sinking fund tax. We think that a wholesome system of retrenchment in State, and especially in county expenditures, would cut off as much or more of this 105 cents as we propose to increase by the one mill tax on account of the State debt sinking fund. But in any event, 8 cents additional tax on the hundred dollars, could not be considered as very onerous; especially when we take it into consideration the fact that it will take our present sinking fund tax over one hundred years to pay off the State debt; and that during this period, we would have to pay for interest alone on this debt over (\$32,000,000) thirty-two millions of dollars. Why burden ourselves and our posterity with this enormous sum, when we can discharge the whole of our public debt in the next ten years, by simply paying during that time the small sum of 8 cents additional tax on each one hundred dollars? Does not the credit of the State, as well as every consideration of duty, economy and patriotism urge us to do it? Besides, in less than ten years, the entire amount of our public debt falls due. At that time, in order to preserve the credit of the State, we will be forced to issue new certificates of stock *drawing six per cent.* for all the outstanding five and two and a half per cent. stock, which will materially increase the annual amount of interest. There can be no good excuse for this; the State is able to pay off her public debt in the time proposed, and she ought to do it. There could be no act passed by the legislature which

would meet with more general approbation among the intelligent citizens of the State, than an act providing the means to discharge the entire public debt in the next ten years.

The above views are respectfully submitted, in compliance with the request of the House.

Very respectfully yours,

W. R. NOFSINGER,

*Treasurer of State.*

On motion by Mr. Steele,

The communication and report were laid on the table, and 1,000 copies ordered to be printed.

A message from the Governor by Mr. Osborne, his executive messenger:

MR. SPEAKER:

I am directed by his Excellency, the Governor, to communicate the following message:

EXECUTIVE DEPARTMENT, INDIANA, }  
INDIANAPOLIS, Jan. 13, 1857. }

*Gentlemen of the House of Representatives:*

I have received a communication from Gordon Tanner, which reads as follows:

STATE LIBRARY ROOMS, }  
January 13th, 1857, }

TO THE HON. A. P. WILLARD,

*Governor of the State of Indiana:*

SIR:—I have this day received from the proper officers, my commission as Reporter of the decisions of the supreme court, and taken the oath of office, whereupon my functions as State Librarian ceased. I transmit, herewith, the keys of the State Library.

Very respectfully,

Your obedient servant,

GORDON TANNER.

Whereby the office of State Librarian has become vacant.

ASHBEL P. WILLARD.

On motion by Mr. Larue,

*Resolved*, That so much of the Governor's message as refers to colonization and the African slave trade, be referred to a select committee of five.



On motion by Mr. Neal,

*Resolved*, That the committee on fees be instructed to enquire into the expediency of so amending the act relative to the fees of jurors before justices of the peace, as to allow one dollar each, in the place of fifty cents to be received as prescribed by law, and that they report by bill or otherwise.

On motion by Mr. Claypool,

The Speaker added Messrs. Moore and Abel to the committee on county and township business.

On motion by Mr. McKinney,

*Resolved*, That the committee on county and township business be instructed to enquire into the expediency of so amending the present school laws of Indiana, as to prevent the boards of township trustees from levying a tax for school or township purposes, without first having a vote of a majority of the legal voters of their township in favor of the same, and report by bill or otherwise.

On motion by Mr. Wallace,

*Resolved*, That the committee on county and township business be requested to take into consideration the propriety of reducing the number of township officers to three trustees, one of whom shall act as clerk, one treasurer, and one as chairman of said board.

Mr. Van Sandt offered the following resolution :

*Resolved*, That the committee on roads be requested to enquire into the expediency of so amending the present law regulating roads and highways, so as to make county roads forty feet wide, and township roads thirty feet, and report by bill or otherwise.

Which was not agreed to.

On motion by Mr. Wiley,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of passing a law providing for the assignment of insolvent debtors, so that they shall not make assignment to preferred creditors, and defining the duties of such assignees, and that they report by bill or otherwise.

Mr. Price offered the following resolution :

*Resolved*, That the committee on roads be instructed to enquire into the expediency of electing supervisors of highways for a period of two years, and report by bill or otherwise.

Which was not agreed to.

On motion by Mr. Robbins,

*Resolved*, That the committee on roads be instructed to require all roads laid or located subsequent to this time, to be located on the section lines as near as may be compatible with the interests of community generally.

Mr. Wiley offered the following resolution :

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of so amending the law relative to divorces, so as to require both parties to be residents of this State at least nine months previous to the application for divorce, and that they report by bill or otherwise.

Which was not agreed to.

Mr. Edson offered the following preamble and resolution :

**WHEREAS**, The Republicans having a majority in the Senate, have refused to have the message of Governor Wright and the inaugural of Governor Willard, printed for the use of the Senate, therefore,

*Resolved*, That 3,000 copies of Governor Wright's annual message, 2,000 of which shall be in English and 1,000 in German ; also, 3,000 copies of Governor Willard's inaugural, 2,000 of which shall be in English and 1,000 in German, be printed for the use of the Democratic members of the Senate.

Mr. Marvin moved to amend the resolution by striking out the word "Democratic."

Mr. Steele moved to lay the resolution on the table.

The ayes and noes were demanded by Smith of Bartholomew and Conner of Wabash.

*Those who voted in the affirmative were,*

Messrs Abel, Allen, Austin, Ballenger, Batterton, Bowman, Boyd, Branham, Bryan, Clapp, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Crowe, Cullen, Davis of Hendricks, Douglass, Duncan, Evans, Grose, Hawkins, Hayden, Herod, Hoagland, Humphreys, Hutchings, Jefferis, Kerr, Landiss, Larue, Mercer, Merrifield, Modesitt, Moon, McDonald of Fountain, McDonald of Lake, Neal, Price, Reese, Reyman, Ricketts, Sherrod, Shuman, Sloss, Smith of Delaware, Steele, Stone, Todd, Van Sandt, Vawter, Wagner, Ward, Whitcomb, Wiley, Williams of Lagrange, Wright, and Mr. Speaker—59.

*Those who voted in the negative were,*

Messrs. Adams, Ayres, Bethell, Blake, Branson, Brown, Carnahan, Clark, Conduitt, Davis of Sullivan, Denby, Dobbins, Early,

Edson, Harrison, Lane, Lewis, Marvin, Moore, McDaniel, McFarland, McGinnis, McKinney, Neff, Robbins, Schermerhorn, Shoulders, Slicer, Smith of Bartholomew, Stillwell, Studabaker, Taggart, Trippet, Wallace, Williams of Knox, Williamson, and Yater—37.

So the resolution and amendment were laid on the table.

The Speaker laid before the House the following communication from the President of the Sinking Fund :

OFFICE OF COMMISSIONERS OF THE SINKING FUND, {  
Indianapolis, January 13, 1857. }

To HON. B. SMITH,  
*Speaker of the House of Representatives :*

SIR:— Herewith please to receive and lay before the House the annual report of the Commissioners of the Sinking Fund.

Very respectfully,  
E. DUMONT, *President.*

On motion by Mr. Davis of Sullivan,

The report was laid on the table and 500 copies ordered to be printed.

Mr. Branson offered the following resolution :

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of amending the law establishing courts of common pleas, so as to make it incumbent on the litigants to pay the jurors' fees, as in the cases of jury trials before justices of peace.

Which was not agreed to.

Mr. Shuman offered the following resolution :

*Resolved*, That the committee on swamp lands be directed to enquire into the expediency of providing for the repeal of an act, entitled "An act to authorize the construction of levees and drains; approved June 12, 1852.

Mr. Williams of Knox moved to amend the resolution, so as to make it one of enquiry.

Which was agreed to.

The resolution as amended was adopted.

On motion by Mr. Neff,

*Resolved*, That the committee on the organization of courts en-

quire into the expediency of giving to the circuit court exclusive jurisdiction in all criminal actions and misdemeanors, and abolishing the office of district prosecuting attorneys.

Mr. Harrison offered the following resolution :

*Resolved*, That the committee on roads be required to enquire into the expediency of levying a tax of one and one fourth of a cent on each acre of taxable land in the State for the use of the public roads, and report by bill or otherwise.

Which was not adopted.

On motion by Mr. Dobbins,

*Resolved*. That the committee on temperance be instructed to enquire into the expediency of adopting the license system for the regulation of the liquor traffic, and to protect the community from the disorderly conduct of drunkards, and report by bill or otherwise.

On motion by Mr. Cullen,

*Resolved*. That the committee on corporations be instructed to enquire into the propriety of so amending the law providing for incorporation of bridges, plank and McAdamized road companies, that they cannot collect tolls unless they are kept in good repair, and that they report by bill or otherwise.

Mr. Lane offered the following resolution :

*Resolved*. That we order the printing of four thousand additional copies of the Governor's message, one thousand of which to be printed in the German language, and three thousand additional copies of the inaugural address of Governor Willard, one thousand of which shall be printed in the German language.

Mr. McFarland moved to amend as follows :

Strike out 3,000 and insert 1,500 of message, and 3,000 of inaugural and insert 1,500 of inaugural.

Mr. McDonald of Lake moved to amend the amendment as follows :

Amend by adding, "and one thousand copies for the use of the citizens of Lake county."

On motion by Mr. McFarland,

The resolution and amendments were laid on the table.

#### BILLS INTRODUCED.

Mr. Kerr introduced

H. J.—7

House bill No. 24. A bill to amend an act, entitled "an act touching the laying out and vacating towns, streets, alleys, public squares and grounds or any part thereof, the making out and recording of plats of such towns, and providing for the change of the names of such towns;" approved may 20, 1852.

Which was read a first time and passed to a second reading.

By Mr. Clapp,

House bill No. 25. A bill creating the fifteenth judicial circuit, and providing for the election of a judge thereof.

Which was read a first time and passed to a second reading.

By Mr. Price,

House bill No. 26. A bill to amend the 8th section of an act providing for the election, and prescribing certain duties of county surveyor; approved June 17, 1852.

Which was read a first time and passed to a second reading.

By Mr. Mercer,

House bill No. 27. A bill to provide for the public printing, and for the compensation therefor.

Which was read a first time and passed to a second reading.

By Mr. Duncan,

House bill No. 28. A bill to amend the 9th section of an act approved June 18, 1852.

Which was read a first time, and passed to a second reading.

By Mr. Neff,

House bill No 29. A bill repealing an act establishing the courts of conciliation, and prescribing rules and proceedings, and compensation for judges.

Which was read a first time, and passed to a second reading.

By Mr Lewis,

House bill No. 30. A bill to amend the 3d section of an act entitled "an act to provide for the election, and prescribing certain duties of recorder."

Which was read a first time and passed to a second reading.

By Mr. Harrison,

House bill No. 31. A bill for the relief of widows.

Which was read a first time, and passed to a second reading.

By Mr. Whitcomb,

House bill No. 32. A bill to regulate the sale of property on execution or order of sale, upon debts hereafter contracted.

Which was read a first time and passed to a second reading.

*House Bills on Second Reading.*

No. 18. A bill to provide for the re-appraisement of the real estate in this State, and the appointment of appraisers, and to provide for their compensation.

Was read a second time.

On motion by Mr. Grose,  
Referred to the committee on ways and means.

No. 19. A bill creating the fourteenth judicial circuit and providing for the election of judge thereof.

Was read a second time.

On motion by Mr. Studabaker,  
Referred to a select committee, consisting of Messrs. Studabaker, McKinney, Neff, and McDaniel.

On motion by Mr. Humphreys,  
The vote taken referring House bill No. 18, to the committee on ways and means,  
Was reconsidered.

On motion by Mr. Humphreys,  
The bill was referred to a select committee of five,  
Messrs. McGinnis, Studabaker, Lane, Grose, and Conner of Wabash.

No. 20. A bill to amend sections 142, 143, and 202, of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes, in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the treasurer and Auditor of State;" approved June 21, 1853.

Was read a second time.

On motion by Mr. Conner of Wabash,  
The bill was referred to the same select committee to which House bill No. 18, was referred.

No. 21. A bill to appraise the real estate of the State of Indiana, and to make the value of the same equal throughout the State.

Was read a second time.

And,



On motion by Mr. Humphreys,  
Referred to committee on ways and means.

No. 22. A bill to provide for a geological, mineralogical and agricultural survey of the State of Indiana.

Was read a second time,

And,

On motion by Mr. Dobbins,

Referred to the committee on that part of the Governor's message relative to a geological, mineralogical and agricultural survey of the State.

No. 23. A bill for the removal of the old buildings on the Governor's circle in Indianapolis, and for the improvement of the premises.

Was read a second time.

And,

On motion by Mr. Todd,

Referred to the committee on the affairs of the town of Indianapolis.

#### SENATE BILLS ON SECOND READING.

Senate bill No. 1. A bill to apportion Senators and Representatives for the next four years.

Was read a second time,

And,

On motion by Mr. Humphreys,

Was referred to committee on apportionment.

By unanimous consent of the House,

Mr. Davis of Sullivan offered the following resolution :

WHEREAS, It has been officially communicated to the House that the office of State Librarian has become vacant ; AND WHEREAS, it is indispensable for the proper discharge of the duties, that the General Assembly shall have access to the library, therefore,

*Resolved*, By the House, the Senate concurring, that this House will proceed on Saturday next, the 17th inst., at 10 o'clock A. M., to the election of State Librarian.

Mr. Grose moved to lay the resolution on the table.

Which was not agreed to.

Mr. Grose moved the House adjourn.

Which motion did not prevail.

Mr. Colgrove offered the following amendment :

Insert after the words for the election, "for the election of Librarian," and for no other purpose.

Which was not agreed to.

Mr. Conner of Wabash moved to lay the resolution and amendment on the table.

The ayes and noes were demanded by Messrs. Davis and Humphreys.

*Those who voted in the affirmative were,*

Messrs. Austin, Ballenger, Boyd, Branham, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Davis of Hendricks, Evans, Grose, Hawkins, Hayden, Hutchings, Jefferis, Larue, Merrifield, Moon, McDonald of Lake, Neal, Price, Shuman, Sloss, Smith of Delaware, Steele, Stone, Todd, Van Sandt, Wagner, Ward, Whitcomb, Williams of Lagrange, and Wright,—34.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Allen, Ayres, Bethell, Blake, Bowman, Branson, Brown, Bryan, Carnahan, Clark, Claypool, Conduitt, Crowe, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Harrison, Herod, Hoagland, Humphreys, Kerr, Landiss, Lane, Lewis, Marvin, Modesitt, Moore, McDaniel, McDonald of Fountain, McFarland, McGinnis, McKinney, Neff, Reyman, Ricketts, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Stillwell, Studabaker, Taggart, Trippet, Wallace, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker—56.

So the resolution and amendment were not laid on the table.

Mr. Davis of Sullivan moved a call of the previous question.

Which was seconded by the House.

The question being, shall the main question now be put ?

It was agreed to.

The main question being, shall the resolution be adopted ?

The ayes and noes were demanded by Messrs. Davis of Sullivan and Grose.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Ayres, Bethell, Blake, Bowman, Branson, Brown, Bryan, Carnahan, Clark, Claypool, Conduitt, Crowe, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Harrison, Hayden, Herod, Hoagland, Humphreys, Kerr, Landiss, Lane, Lewis, Marvin, Modesitt, Moore, McDaniel, McDonald of Fountain, McFarland, McGinnis, McKinney, Neff, Reese, Reyman, Ricketts, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Stillwell, Studabaker, Taggart, Trippet, Wallace, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker—58.

*Those who voted in the negative were,*

Messrs. Austin, Boyd, Branham, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Davis of Hendricks, Grose, Hawkins, Hutchings, Jefferis, Larue, Mercer, Moon, McDonald of Lake, Price, Sloss, Smith of Delaware, Steele, Stone, Todd, Van Sandt, Ward, Whitcomb, Williams of Lagrange, and Wright.—28.

So the resolution was adopted.

On motion by Mr. Marvin,  
The House adjourned.

2 O'CLOCK, P. M.

House met.

Mr. Blake, from the judiciary committee, made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred House bill No. 6. entitled "an act to amend an act, concerning interest on money;" have had the same under consideration, and have directed me to report it back with an amendment, striking out all after the enacting clause, and substituting the accompanying bill and recommend its passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the first section of an act, entitled "an act concerning interest on money," approved May 27, 1852, which section is in the words following, viz: "Interest upon the loan or forbearance of money, goods, or other things in action, shall be at the rate of six dollars a year upon one hundred dollars, and no greater rate of interest shall be taken directly or indirectly. But it may be taken yearly or for any shorter period, in advance, if so expressly agreed," shall be so amended as to read as follows: Interest upon the loan or forbearance of money, goods, or things in action, shall be at the rate of six dollars a year upon one hundred dollars, and no greater rate of interest shall be taken, directly or indirectly, except that by express agreement in writing, ten dollars upon one

hundred dollars may be taken, and no more. But the interest may be taken yearly, or for a shorter period, in advance, if so expressly agreed.

SEC. 2. *Be it further enacted*, That the fourth section of said act, which is in the words following, viz: "If a greater rate of interest than is hereinbefore allowed, shall be contracted for or received or reserved, the contract shall not, therefore, be void; but if in any action on such contract, proof be made that illegal interest has been directly or indirectly contracted for, or taken or reserved, the defendant shall recover costs, and the plaintiff shall recover only his principal without interest, and if interest shall have been paid, judgment shall go for the principal, deducting interest paid," shall be so amended as to read as follows: If a greater rate of interest than is allowed by law, shall be contracted for or received or recovered, the contract shall not therefore be void; but if in any action on such contract, proof be made that illegal interest has been directly or indirectly contracted for or taken or reserved, the plaintiff shall recover only his principal without interest, and if interest shall have been paid thereon, judgment shall go for the principal, deducting interest paid.

The report was concurred in, amendments adopted, and the bill ordered to be engrossed.

Mr. Davis of Sullivan, by unanimous consent of the House, introduced the following resolution :

*Resolved*, That the Auditor of State be requested to communicate to this House, at as early a day as possible, his opinion of the sufficiency of the various State bonds deposited for free banking purposes, and state, also, what bonds form the best and most reliable security for the business of said banking purposes.

Which was agreed to.

Mr. Claypool, from the judiciary committee, made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred House bill No. 4, entitled a bill to amend the fourth section of an act, entitled "an act touching the relation of guardian and ward;" approved June 9th, 1852, have had the same under consideration, and instructed me to report the same back to the House, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

By unanimous consent,  
Mr. Larue introduced,

House bill No. 33. A bill to amend the 94th and 95th sections of an act, entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State;" approved June 21, 1852.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Conner of Wabash introduced.

House bill No. 34. A bill to authorize the issuing of execution in certain cases.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Dobbins introduced,

House bill No. 35. A bill amending the first section of an act providing for the election, and prescribing certain duties of county surveyor; approved June 17, 1854.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Hayden introduced,

No. 36. A bill to amend an act for the incorporation of cities; approved June 18, 1852.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. McFarland introduced,

No. 37. A bill creating the 15th circuit, and providing for the election of judge and prosecutor thereof.

Which was read a first time and passed to a second reading.

On motion by Mr. Carnahan,  
The House adjourned.

THURSDAY MORNING, 9 o'clock, }  
January 15, 1857. }

The House met.

The Journal was read and adopted.

The Speaker laid before the House the following report and communication from the President of the State Bank of Indiana :

OFFICE OF THE STATE BANK OF INDIANA, }  
INDIANAPOLIS, January 13, 1857. }

HON. BALLARD SMITH,

*Speaker of the House of Representatives :*

SIR :—Herewith please receive the annual report of the State Bank of Indiana, to be laid before the House of Representatives.

A similar report, together with one from each branch of this bank, has been heretofore handed the State Printer.

Very respectfully,

E. DUMONT,

*President.*

On motion by Mr. Davis of Sullivan,

The report was laid on the table, and 500 copies ordered to be printed.

The Speaker laid before the House the following communication and report from the President of the Bank of the State of Indiana :

OFFICE OF THE BANK OF THE STATE OF INDIANA, }  
INDIANAPOLIS, January 14, 1857. }

HON. BALLARD SMITH,

*Speaker of the House of Representatives :*

SIR :—Herewith I submit the annual report of this bank for the 15th of November last, as required by its charter, together with a report from each of the branches of the bank which has been organized ; and also a statement of the condition of the bank the 2d day of January instant, the date of the commencement of its business. All of which you are respectfully requested to lay before the House of Representatives.

Your obedient servant,

H. M. McCOLLOUGH,

*President.*



On motion by Mr. Humphreys,  
The report was laid on the table, and 500 copies ordered to be printed.

The Speaker laid before the House the following communication from the Superintendent of Public Instruction :

HON. BALLARD SMITH,

*Speaker of the House of Representatives :*

DEAR SIR:—Please lay before the honorable body, over which you preside, the following reply to a call of the House.

Yours truly,

CALEB MILLS,

*Superintendent of Public Instruction.*

January 14, 1857.

*To the General Assembly of the State of Indiana :*

In reply to the call of the House of Representatives on Governor Wright, for information relative to the action of the commissioners appointed to select and purchase a site, procure plans, specifications and estimates of the cost of the necessary buildings for a house of refuge, prepare and mature a system for the management and government of said institution, the undersigned, at the request of the Governor, and in behalf of the board, would respectfully state, that such have been the multiplicity and pressure of other paramount official duties, that they have not been able to extend their enquiries to the full limits contemplated by the statute creating the board, and, therefore, have not reached results that called for definite action or a formal report.

They would, however, remark, that they have visited several localities in Marion and Putnam counties, but have found none at the center of the State, that could be procured at the maximum price specified in the law, within suitable distance of the city of Indianapolis, and doubtful whether they were at liberty to make a location in any other than a central portion of the State, they have, therefore, taken no action in the premises.

They have received a plan for a building for said House of Refuge, with appropriate explanations of its general outlines, but not embracing building specifications. There is, however, accompanying the papers, an estimate of the cost of the central portion, and two wings, sufficient to meet the wants of the enterprise in the outset. The plan contemplating an expansion of the system admits of a corresponding extension of the buildings, without any sacrifice of the symmetry of the original design. It was prepared and submitted by William R. Lincoln, Esq., superintendent of the main school of reform at Portland, and was entered as a competition for the premium authorized to be offered by the commission-

ers. It is due to the gentlemen submitting the plan, and the valuable suggestions accompanying the draft, to say that he has been long engaged in this department of reformatory effort, having had charge of the Massachusetts reform school for five years, and was thence transferred to his present position. His views and plans were adopted by the commissioners of New Hampshire, charged with the supervision of selecting the site and erecting the necessary buildings, for a similar institution for the Granite State.

Embodying the results of long experience and extensive observation, they are worthy the careful consideration of those on whom the responsibility of consummating our enterprise may devolve.

The commissioners have in their possession a number of valuable reports and documents relative to the workings of similar institutions elsewhere, which they will be happy to place at the disposal of those to whom this important enterprise may be committed, suggesting as the result of their own experience, that such responsibility cannot be properly met by those charged with other functions calling for their best and entire energies. The interests of the State, the success of the enterprise, and the beneficent purpose of the constitutional provision contemplating the establishment of these houses of refuge, urge to wise and efficient supervisions, as well as prompt action in the premises. They would also suggest that the minimum distance of the site from a town or city should be reduced to two miles, and the maximum number of acres of land to accompany the site should be enlarged to at least one hundred and fifty acres.

As the unfortunate restriction of the statute was found an insuperable barrier to all action in the selection of the site, the commissioners did not perceive any special necessity or propriety in extending their enquiries to matters of subsequent consideration. The system of moral discipline to be adopted in the management of such institution, will appropriately claim the attention of those to whom its administration may hereafter be committed, with this statement of the impediments unexpectedly thrown in their way, and the consequent necessity of referring the whole matter to the reconsideration of the legislature, the commissioners would respectfully ask to be released from all further charge of the enterprise.

All of which is respectfully submitted, in behalf of the commissioners.

CALEB MILLS.

*Superintendent of Public Instruction.*

January 14th, 1857.

On motion by Mr McFarland,

The communication was referred to the committee on benevolent and scientific institutions.

The Speaker announced Messrs. Lane, Wallace, Vawter, Hoag-

land, Stillwell, and Wright, as a select committee on that part of of the Governor's message relative to colonization and the African slave trade, under a resolution of the House, in committee of the whole.

Messrs. Blake, Schermerhorn, Larue, Williams of Knox, and Gordon, were appointed by the Speaker the select committee, on a resolution of the House, adopted in committee of the whole, on that part of the Governor's message charging fraud in the passage of the bill organizing and establishing the "bank of the State of Indiana."

#### PETITIONS, MEMORIALS, REMONSTRANCES, &c.

By Mr. Kerr,

A petition from sundry citizens of the town of Clarksville in this State, in reference to the municipal government of said town.

Which,

On motion,

Was referred to a select committee of five, consisting of Messrs. Kerr, Wallace, Larue, and Wagner.

By Mr. Grose,

A petition from sundry citizens of Henry county, in this State, in reference to druggist and apothecaries.

Which,

On motion,

Was referred to a select committee of five, consisting of Messrs. Grose, McDaniel, Sherrod, McGinnis, and Todd.

By Mr. Lane,

A petition from sundry citizens of the township of Lawrenceburgh, Dearborn county, Indiana, in reference to the erection of a graded school house, and supporting a graded school therein.

Which was referred to the committee on education.

By Mr. Blake,

A petition from sundry citizens of the State of Indiana, in reference to the practice of medicine and surgery.

Which was referred to the committee on benevolent institutions.

#### REPORTS FROM COMMITTEES.

Mr. Denby, chairman of the committee on elections, made the following report :

**MR. SPEAKER :**

The committee on elections, to whom was referred the matter of the contested election in Rush county, have had the same under consideration, and have directed me to ask of the House of Representatives, power to send for persons and papers.

The question being on concurring in the report,  
Mr. McDonald of Lake, moved to lay the report on the table.  
Which was not agreed to.

The question then recurring on concurring in the report.  
The ayes and noes were demanded by Messrs. Grose and Neal.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Ayres, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Conduitt, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Evans, Gordon, Harrison, Herod, Hoagland, Humphreys, Jefferis, Kerr, Lane, Lewis, Marvin, Modesitt, Moon, Moore, McDaniel, McDonald of Fountain, McFarland, McGinnis, McKinney, Neff, Price, Reese, Reysman, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Studabaker, Taggart, Todd, Trippet, Van Sandt, Vawter, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Yater, and Mr. Speaker—76.

*Those who voted in the negative were,*

Messrs. Austin, Branham, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Davis of Hendricks, Grose, Hawkins, Hayden, Hutchings, Larue, Mercer, Merrifield, McDonald of Lake, Neal, Stone, and Wright—19.

So the report was concurred in.

The Speaker laid before the House the depositions, papers, &c., relative to the contested seat of the representative from the county of Rush.

Which,

By consent,

Were referred to the committee on elections.

The Speaker laid before the House the papers in relation to the contested seat of Mr. Todd, a representative from the county of Marion.

Which were referred to the committee on elections.

Mr. Conner of Hamilton, from the committee on the judiciary, made the following report :

**MR. SPEAKER :**

The judiciary committee, to whom was referred a resolution of the House, directing them to "enquire into the expediency of repealing and striking out the 117th section of an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State, approved June 7th, 1852," have had the same under consideration and instructed me to report the same back to the House, with the recommendation that the further consideration of the subject be indefinitely postponed.

Which was concurred in.

Mr. Claypool, from the committee on the judiciary, made the following report :

**MR. SPEAKER :**

The committee on the judiciary, to whom was referred the resolution of the House, requiring them to enquire into the expediency of abolishing the court of common pleas, and extending the jurisdiction of the justices of the peace, have had the subject matter of the resolution under consideration, and have directed me to report the following bill, providing for an increase of the jurisdiction of justices of the peace in civil cases, and recommend its passage.

House bill No 38. A bill to amend the 10th section of an act, entitled "an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases; approved June 9, 1852.

Which was read a first time and passed to a second reading.

Mr. Smith of Delaware, from the committee on the organization of courts, made the following report :

**MR. SPEAKER :**

The committee to whom was referred the resolution enquiring into the expediency of giving the circuit court exclusive jurisdiction in all criminal actions and misdemeanors, and abolishing the office of prosecuting attorney, have had the same under consideration, and directed me to report against the expediency of so enacting, and ask the concurrence of the House therein.

Which report was concurred in,

Mr. Kerr offered the following preamble and resolution :

WHEREAS, The General Assembly are informed by the late Governor, in his annual message, that large contracts for the draining of swamp lands, have been let by the officers of Jasper county,

in a manner not conformable to law, and it may be in a fraudulent manner, be it

*Resolved*, That the committee on swamp lands be authorized to send for and require the production of persons and papers, in order to facilitate the investigation of said contracts.

Which was agreed to.

On motion by Mr. Gordon,

*Resolved*, That the committee on the judiciary be instructed to enquire whether circuit courts have any jurisdiction to punish for assault and battery, persons indicted for assault and battery with intent to commit murder or other felony, and report by bill or otherwise.

Mr. Ricketts submitted the following :

MR. SPEAKER :

I give notice that on to-morrow, or some subsequent day, I will move to amend the 8th standing rule of the House, by adding at the end thereof, these words: "and a committee on railroads," and by striking out the word "and" where it occurs in the last line of said rule.

Which lays over, under the rule.

On motion by Mr. Blake,

*Resolved*, That the committee on organization of courts of justice be instructed to enquire into the expediency of authorizing the judges of the circuit courts to hold criminal trials in vacation, whenever a criminal is confined in jail or held in custody.

On motion by Mr. Humphreys,

*Resolved*, That the Doorkeeper be authorized to appoint an additional assistant, to discharge the duties of Sergeant-at-arms in reference to the contested cases pending before the House.

Mr. Austin offered the following resolution :

*Resolved*, That the committee on education be instructed to enquire into the expediency of reporting a bill providing by taxation a sufficient fund, with the avails of the permanent fund devoted to that purpose, to sustain schools throughout the State, six months in each year.



Mr. Davis, of Sullivan, moved to amend by making the resolution one of enquiry.

Which amendment was accepted, and the resolution as amended, was agreed to.

Mr. Abel offered the following resolution:

*Resolved*, That the committee on the judiciary be instructed to report a bill for the prevention and punishment of the issue and circulation of paper currency by individuals, or in any manner except that provided by the laws of the State regulating banks and banking.

Mr. Davis of Sullivan, moved to amend by striking out "judiciary" and inserting "banks."

Which was agreed to.

The resolution as amended was adopted.

On motion by Mr. Conner of Wabash,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of providing by law for the payment of costs in State cases, in such cases as said committee may deem proper, and that said committee report by bill or otherwise.

On motion by Mr. Crawford,

*Resolved*, That the committee on ways and means enquire into the expediency of dispensing with the tedious and expensive system of requiring the county auditors to keep the State, county, road, school, and township tax, &c., in separate columns, with leave to report by bill or otherwise.

On motion by Mr. Harrison,

*Resolved*, That the committee on education be instructed to enquire into the expediency of distributing the taxes collected for school purposes, in the counties where said taxes are collected, and report by bill or otherwise.

On motion by Mr. Wright,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of increasing juror and witness fees, and report by bill or otherwise.

Mr. Claypool offered the following preamble and resolution:

WHEREAS, The late Governor, in his last message, recommended that the act of the last General Assembly, entitled an act to es-

establish a bank with branches, be expunged from the Statute book, therefore,

*Resolved*, That the committee on the judiciary be instructed to consider said recommendation, and report whether the General Assembly has power to repeal said act, and expunge from the statute books the charter of said banks.

Which was agreed to.

On motion by Mr. Douglass,

*Resolved*, That the committee on the judiciary be instructed to examine into and report to the House, whether the county commissioners have power to assess taxes on polls for county purposes.

On motion by Mr. Denby,

*Resolved*, That the committee on judiciary be instructed to enquire into the expediency of amending the justices' act so as to provide for the commencement of actions by publication before justices of the peace.

On motion by Mr. Neal,

*Resolved*, That the committee on military affairs be instructed to enquire into the expediency of reporting a bill to repeal an act organizing the militia, providing for the appointment, and prescribing the duties of certain officers thereof, approved June 14th, 1852, and that they report by bill or otherwise.

On motion by Mr. Studabaker,

*Resolved*, That the committee on county and township business be instructed to enquire into the expediency of so amending the law for the election of supervisors, as to allow no person to vote for supervisor, except such as live in such supervisors' district,

On motion by Mr. Vawter,

*Resolved*, That the committee on county and township business be instructed to enquire into the expediency of repealing the law electing township assessors, and substituting therefor, one for each county commissioner's district.

#### BILLS INTRODUCED.

By Mr. Carnahan,

House bill No. 33. A bill for the better protection of landlords, and to facilitate the renting of lands to tenants.

Which was read a first time and passed to a second reading.

H. J.—S.

By Mr. Kerr,

House bill No. 40. A bill to amend the fifth and sixth sections of an act, entitled an act to exempt property from sale in certain cases.

Was read a first time, and passed to a second reading.

By Mr. Grose,

House bill No. 41. A bill to repeal the 36th and 37th sections of an act, entitled an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing for the compensation of the judge thereof; approved May 14, 1852,

Which was read a first time and passed to a second reading.

By Mr. McFarland,

House bill No. 42. A bill relative to the salaries of public officers' appropriation, and providing the manner of paying the same.

Which was read a first time and passed to a second reading.

By Mr. Wiley,

House bill No. 43. A bill to authorize railroad companies to surrender their franchises, pay their liabilities, divide the assets and dissolve the corporation.

Which was read a first time and passed to a second reading.

By Mr. Wallace,

House bill No. 44. A bill to regulate the publication of county, township, or any other business requiring publication by county officers or administrators, &c.

Which was read a first time and passed to a second reading.

By Mr. Ward,

House bill No. 45. A bill regulating fees and costs of county clerks, sheriffs, coroners, prosecuting attorneys, justices of the peace, constables, and witnesses, in certain criminal cases.

Which was read a first time and passed to a second reading.

By Mr. Price,

House bill No. 46. A bill for the improvement of agriculture, and to enable persons owning overflowed or swamp lands to drain the same.

Which was read a first time and passed to a second reading.

By Mr. Bethell,

House bill No. 47. A bill to amend section one of an act, entitled an act to prevent property from sale in certain cases.

Which was read a first time and passed to a second reading.

A message from the Senate, by Mr. Harvey, their Secretary.

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives, that the Senate have adopted the following resolution, in which the concurrence of the House is respectfully requested:

*Resolved*, That (the House of Representatives concurring,) John B. Dillon be elected State Librarian for the term of two years.

Mr. Humphreys moved to concur with the following amendment:

Strike out all after the resolving clause, and insert, "That the House, with the Senate concurring, proceed on Saturday next, the 17th inst., at 10 o'clock A. M., to the election of a State Librarian in the manner provided by the act of 1852."

Mr. Grose moved to amend the amendment as follows:

That (the Senate concurring therein,) John B. Dillon is hereby elected State Librarian, and Samuel H. Buskirk, State Agent, for the ensuing two years.

Mr. Humphreys moved to lay the amendment to the amendment on the table.

The ayes and noes were demanded by Messrs. Grose and Steele.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Ayres, Batterton, Bethell, Blake, Branson, Brown, Bryan, Carnahan, Clark, Claypool, Conduitt, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Harrison, Herod, Hoagland, Humphreys, Kerr, Landiss, Lane, Larue, Lewis, Marvin, Modesitt, Moore, McDaniel, McDonald of Fountain, McFarland, McGinnis, McKinney, Neff, Price, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Stillwell, Studabaker, Taggart, Trippet, Wallace, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker.—61.

*Those who voted in the negative were,*

Messrs. Austin, Ballenger, Boyd, Branham, Clapp, Conner of

Hamilton, Conner of Wabash, Crawford, Davis of Hendricks, Evans, Gordon, Grose, Hawkins, Hayden, Hutchings, Jefferis, Mercer, Merrifield, McDonald of Lake, Neal, Shuman, Sloss, Smith of Delaware, Steele, Stone, Todd, Van Sandt, Vawter, Wagner, Ward, Whitcomb, Williams of Lagrange, and Wright.—34.

So the amendment to the amendment was laid on the table.

Mr. Conner of Wabash moved to lay the resolution and pending amendment on the table.

The ayes and noes were demanded by Messrs. Grose and Crawford.

*Those who voted in the affirmative were,*

Messrs. Branham, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Davis of Hendricks, Gordon, Grose, Hayden, Hutchings, Jefferis, Larue, Mercer, Merrifield, Moon, McDonald of Lake, Neal, Price, Shuman, Sloss, Steele, Stone, Todd, Van Sandt, Vawter, Whitcomb, and Wright.—28.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branson, Bryan, Carnahan, Clapp, Clark, Claypool, Conduitt, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Evans, Harrison, Herod, Hoagland, Humphreys, Kerr, Landiss, Lane, Lewis, Marvin, Modesitt, Moore, McDaniel, McDonald of Fountain, McFarland, McGinnis, McKinney, Neff, Reese, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Smith of Delaware, Stillwell, Studabaker, Taggart, Trippet, Wagner, Wallace, Ward, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Yater, and Mr. Speaker.—67.

So the motion did not prevail.

Mr. Batterton moved to lay the amendment on the table.

The ayes and noes were demanded by Messrs. Grose and Humphreys.

*Those who voted in the affirmative were,*

Messrs. Austin, Batterton, Boyd, Branham, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Davis of Hendricks, Evans, Gordon, Grose, Hawkins, Hayden, Hoagland, Hutchings, Jefferis, Larue, Mercer, Merrifield, Moon, Neal, Price, Shuman, Sloss, Smith of Delaware, Steele, Stone, Todd, Van Sandt, Vawter, Wagner, Ward, Whitcomb, Williams of Lagrange, and Wright.—36.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Allen, Ayres, Bethell, Blake, Bowman, Branson, Brown, Bryan, Carnahan, Clark, Claypool, Conduitt, Crowe, Cullen, Dobbins, Douglass, Duncan, Early, Edson, Harrison, Herod, Humphreys, Kerr, Landiss, Lane, Lewis, Marvin, Modesitt, Moore, McDaniel, McDonald of Fountain, McDonald of Lake, McFarland, McGinnis, McKinney, Neff, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Stillwell, Studabaker, Taggart, Trippet, Wallace, Wiley, Williams of Knox, Williamson, Yater and Mr. Speaker—58.

So the amendment was not laid on the table.

Mr. Gordon moved to postpone the further consideration of the whole subject until two weeks from to-day.

The ayes and noes were demanded by Messrs. McDonald of Lake and Mercer.

*Those who voted in the affirmative were,*

Messrs. Austin, Batterton, Boyd, Branham, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Davis of Hendricks, Evans, Gordon, Grose, Hawkins, Hutchings, Jefferis, Larue, Mercer, Merrifield, Moon, McDonald of Lake, Neal, Price, Shuman, Sloss, Smith of Delaware, Steele, Stone, Todd, Van Sandt, Vawter, Wagner, Whitcomb and Williams of Lagrange—34.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Allen, Bethell, Blake, Bowman, Branson, Brown, Bryan, Carnahan, Clark, Claypool, Conduitt, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Harrison, Hayden, Herod, Hoagland, Humphreys, Kerr, Landiss, Lane, Lewis, Marvin, Modesitt, Moore, McDaniel, McDonald of Fountain, McFarland, McGinnis, McKinney, Neff, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Stillwell, Studabaker, Taggart, Trippet, Wallace, Wiley, Williams of Knox, Williamson, Wright, Yater, and Mr. Speaker.—60.

So the motion did not prevail.

Mr. Lane offered the following amendment:

*Resolved*, That the General Assembly will, on Monday next, at 2 o'clock P. M., proceed by a joint vote, to the election of State Librarian, to serve as such for two years, as required by the 1st and 2d sections of an act regulating the election and duties of State Librarian.



Mr. Lane moved a call of the previous question,  
Which was seconded by the House.

The question being, shall the main question be now put?

It was agreed to.

The main question being, shall the amendment to the amendment be adopted?

The ayes and noes were demanded by Messrs. Grose and Crawford.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Blake, Bowman, Branson, Brown, Carnahan, Clark, Conduitt, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Harrison, Herod, Hoagland, Humphreys, Kerr, Landiss, Lane, Lewis, Marvin, Modesitt, Moore, McDaniel, McDonald of Fountain, McFarland, McGinnis, McKinney, Neff, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Stillwell, Studabaker, Taggart, Trippet, Wallace, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker.—55.

*Those who voted in the negative were,*

Messrs. Austin, Ayres, Ballenger, Batterton, Bethell, Boyd, Braham, Bryan, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Davis of Hendricks, Evans, Gordon, Grose, Hawkins, Hayden, Hutchings, Jefferis, Larue, Mercer, Merrifield, Moon, Neal, Price, Shuman, Sloss, Smith of Delaware, Steele, Stone, Todd, Van Sandt, Vawter, Wagner, Ward, Whitcomb, Williams of Lagrange, and Wright.—40.

So the motion prevailed.

The question then being, shall the resolution as amended be adopted?

The ayes and noes were demanded by Messrs. Conner of Wabash and Neal.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Ayres, Bethell, Blake, Bowman, Branson, Brown, Bryan, Carnahan, Clarke, Conduitt, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Harrison, Herod, Hoagland, Humphreys, Kerr, Landiss, Lane, Lewis, Marvin, Modesitt, Moore, McDaniel, McDonald of Fountain, McFarland, McGinnis, McKinney, Neff, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Stillwell, Studabaker, Taggart, Trippet, Wal-

lace, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker—58.

*Those who voted in the negative were,*

Messrs. Batterton, Boyd, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Gordon, Hayden, Larue, Merrifield, Sloss, Smith of Delaware, Steele, Wagner, and Wright—16.

So the resolution was agreed to.

On motion by Mr. Carnahan,  
The House adjourned.

2 O'CLOCK, P. M.

The House met.

The Speaker added Mr. Gordon to the select committee heretofore appointed on a resolution in committee of the whole, relative to that part of the Governor's message, charging fraud in the passage of the bill organizing the Bank of the State of Indiana.

#### HOUSE BILLS ON SECOND READING.

No. 24. A bill to amend section six of an act, entitled "an act touching the laying out and vacating towns, streets, alleys, public square and grounds, or any part thereof, the making out and recording of plats of such towns;" approved May 20, 1852.

Was read a second time.

And,

On motion by Mr. Moore,  
Referred to the committee on corporations.

No. 25. A bill creating the fifteenth judicial circuit, and providing for the election of a judge thereof.

Was read a second time.

And,

On motion by Mr. Studabaker,  
Referred to the committee on the organization of courts of justice.

No. 26. A bill to amend the 8th section of an act providing for the election and prescribing certain duties of county surveyors; approved June 17th, 1852.

Was read a second time.

And,

On motion by Mr. Moore,

Referred to the committee on the judiciary.

No. 27. A bill to provide for the public printing and for the compensation therefor.

Was read a second time.

Mr. Moore moved to refer the bill to the committee on ways and means.

Mr. Merrifield moved to amend by referring the bill to a select committee of five.

Which was agreed to.

Messrs. Merrifield, Schermerhorn, Smith of Bartholomew, Blake, and Mercer, were appointed said committee.

No. 28. A bill to amend the 9th section of an act approved June 18th, 1852.

Was read a second time.

And,

On motion,

Referred to the committee on roads.

No. 29. A bill repealing an act establishing the courts of conciliation, and prescribing rules and proceedings, and compensation for judges.

Was read a second time.

And,

On motion by Mr. Williams of Knox,

Referred to the committee on the organization of courts of justice.

No. 30. A bill to amend the third section of an act, entitled "an act to provide for the election, and prescribing certain duties of recorder;" approved May 31, 1852,

Was read a second time.

Mr. Colgrove submitted the following amendment:

And such recorder shall be allowed the sum of fifteen cents for each one hundred words required in making and keeping up said index, to be paid out of the county treasury.

SEC. 1. The third section of an act, entitled "an act to amend the first and fourth sections of an act authorizing recorders to make out complete and general indexes to records of deeds and mortgages, and to procure and use seals," approved February 14, 1855, is hereby repealed.

**SEC. 2.** That said section of said act be amended as follows, to-wit: That there shall hereafter be elected at the general election in each county, by the qualified voters thereof, a county surveyor, who shall give bond in the sum of one thousand dollars, and that said surveyor shall file said bond with the county auditor, who shall record the same in his office. This amendment to be in full force from and after its passage.

**SEC. 3.** Inasmuch as manifest injustice is now done recorders in requiring them to make and keep up complete and general indexes without pay or compensation, this act is declared to be one of emergency, and shall be in force from and after its passage.

On motion by Mr. Davis of Sullivan,

The bill and pending amendments were referred to the committee on fees and salaries.

**No. 31.** A bill for the relief of widows.

Was read a second time,

And,

On motion by Mr. Humphreys,

Was referred to the committee on the judiciary.

**No. 32.** A bill to regulate the sale of property on execution, or order of sale upon debts hereafter created.

Was read a second time,

And,

On motion by Mr. Grose,

Referred to the committee on the judiciary.

**No. 33.** A bill to amend the 94th and 95th sections of an act, entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State;" approved June 21, 1852.

Was read a second time,

And,

On motion by Mr. Larue,

Referred to the committee on ways and means.

**No. 34.** A bill to authorize the issuing of execution in certain cases.

Was read a second time,

And,

On motion by Mr. Grose,

Laid on the table.

**No. 35.** A bill amending the 1st section of an act providing for the election and prescribing certain duties of county surveyor; approved June 17, 1852.

Was read a second time,

Mr. Dobbins submitted the following amendment :

Strike out from the enacting clause, and insert the following :

That there shall hereafter be elected at the general election in each county, by the qualified voters thereof, a county surveyor, who shall give bond in the sum of one thousand dollars, and shall continue in office from the first day of November thereafter, for the term of two years.

On motion by Mr. Dobbins,

The bill and pending amendment were referred to the committee on county and township business.

No. 36. A bill to amend an act for the incorporation of cities, approved June 18th, 1852.

Was read a second time.

Mr. Hoagland moved to refer the bill to a select committee of three.

Which was agreed to.

Messrs. Hoagland, Denby, and Hayden, were appointed said committee.

No. 37. An act creating the fifteenth circuit, and providing for the election of judge and prosecutor thereof.

Was read a second time.

On motion by Mr. McFarland,

The bill was referred to a select committee consisting of Messrs. McFarland, Taggart, Smith of Bartholomew, Early, and Ricketts.

A message from the Senate by Mr. Harvey, their Secretary :

MR. SPEAKER :

I am directed by the Senate, to inform the House of Representatives that the Senate have concurred in the following resolution of the House :

*Resolved*, That there be a committee of three appointed to act with a similar committee on the part of the Senate, to revise the joint rules for conducting business in the two Houses of the General Assembly of the State of Indiana, and that Messrs. Steele and Schermerhorn are appointed said committee on part of the House.

And that the Senate has appointed Messrs. Cravens, Tarkington, and Crane, to serve as said committee on the part of the Senate.

A message from the Senate by Mr. Harvey, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have passed, without amendment, the following engrossed bill of the House, viz :

House bill No. 2. A bill ceding to the United States of America jurisdiction over certain lands.

#### HOUSE BILLS ON THIRD READING.

No. 4. A bill to amend the fourth section of an act, entitled "an touching the relation of guardian and ward;" approved June 9th, 1852.

Was read a third time.

The question being shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Ayres, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Clapp, Claypool, Colgrove, Conner of Wabash, Conner of Hamilton, Crawford, Cullen, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Duncan, Evans, Gordon, Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Humpreys, Hutchings, Jefferis, Kerr, Landiss, Lane, Larue, Lewis, Mercer, Modesitt, Moon, Moore, McDaniel, McDonald of Fountain, McDonald of Lake, McFarland, McGinnis, McKinney, Neal, Neff, Price, Resse, Reyman, Robbins, Schermerhorn, Shuman, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Stone, Studabaker, Taggart, Todd, Van Sandt, Vawter, Wagner, Wallace, Walpole, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Wright, Yater, and Mr. Speaker.—81.

*Those who voted in the negative were,*

Messrs. Austin, Carnahan, Conduitt, Crowe, Douglass, Early, Edson, Marvin, Sherrod, Shoulders, Slicer, and Trippet.—12.

So the bill passed.

*Ordered.* That the clerk inform the Senate thereof.

No. 6. A bill entitled an act concerning the interest on money.

Was read a third time.

Mr. Mercer moved to recommit the bill to the committee on the judiciary with the following instructions:

Amend by inserting in the proper place, "that no bank or banking association shall take more than six per cent."



On motion by Mr. Walpole,

The further consideration of the bill was postponed until Thursday the 24th inst., and made the special order of the day at 3 o'clock, P. M.

On motion by Mr. McDonald of Lake,  
The House adjourned.

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FRIDAY MORNING, 9 o'clock, {  
January 16, 1857. }

The House met.

The journal was read and adopted.

On motion by Mr. Davis of Sullivan,  
Leave of absence was granted his colleague, Mr. Branson.

On motion by Mr. Crowe,  
He was excused from serving on the committee on ways and means.

The Speaker laid before the House the following communication and report from the Secretary of the State Board of Colonization:

INDIANAPOLIS, January 15th, 1857.

Hon. B. SMITH,

*Speaker of the House of Representatives :*

I am directed by the State Board of Colonization to lay before the House of Representatives the accompanying reports.

Respectfully,

THORNTON A. MILLS,  
*Secretary.*

## REPORT OF THE STATE BOARD OF COLONIZATION.

The State board of colonization, consisting of the Governor, Auditor and Secretary of State, was constituted by the legislature in 1852, and an appropriation of \$5,000 was made, to be expended at the rate of fifty dollars a head in the payment of the passage of emigrants to Liberia, and their support for six months after their arrival. In 1853, a further appropriation of \$5,000 for each of the years 1853 and 1854 was voted, and the board was empowered to employ a secretary at a salary of not more than \$600 per annum. Mr. James Mitchell was chosen to this office, and held it from March, 1853, to August, 1854, when he resigned, and the present Secretary was appointed. Permission was also granted at the time to the board to expend \$3,000 of the appropriations, in the purchase of land in Liberia for the settlement of emigrants from this State, in a body. In 1854 the discretionary power of the board was enlarged, and it was allowed to pay sixty-five dollars a head for the transportation and support of emigrants, and to expend \$200 annually in defraying such contingent expenses as might arise in the necessary prosecution.

In 1853 thirty-three persons emigrated from this State to Liberia. In 1854 fourteen emigrated. In 1855, upwards of fifty were engaged to go, but owing to unexpected adverse influences which the board could not foresee, counteract, nor control, when the time for departure for the port of embarkation came, the acting agent suddenly resigned, and the emigrants declined to go, except one family, and they were in such a condition of destitution and sickness that it was deemed unadvisable to send them at that time. Since then, the board have not been able to find a suitable person to act as agent, and active efforts to secure emigrants have ceased. Notice has, however, been given through the press, as to the times of departure of emigrant ships to Liberia, but no applications have been made for a passage. With the emigrants of 1853, the board sent to Liberia Mr. John McKay, a colored minister of the Methodist church, to examine into the condition of that country. His report, which was decidedly favorable, was published in pamphlet form after his return, and he was at once engaged as a traveling agent among our colored population. His salary was to be paid for the most part from that of the secretary. He continued in this work with gratifying success till October 1st, 1855, when, to the great disappointment of the board, he resigned in a very summary manner. The experiment made with McKay has proved that the only successful method of reaching the colored population, must be by one of their own number, who has personally examined into the condition of Liberia, and who intends to make it his own home. The prejudice against the whites is such, that their efforts to promote emigration must be unavailing.

In attending to the duty assigned them to purchase land in Liberia

for the Indiana emigrants. the board, after corresponding with the best sources of information, came to the conclusion that it was not desirable to place our emigrants in a body particularly in a new and unsettled region, but that it would be better to leave them free at the close of the period of acclimation, to select such locations as would appear best for their interests. Wishing, however, to place the strongest inducements before our colored population to emigrate, the board proposed to purchase from the government of Liberia, at a cheap rate, a quantity of land in addition for each emigrant, equal to that which is allowed him on his settlement by the American colonization society. Some delay has occurred in this negotiation, from the fact that it was proposed just as a change was taking place in the administration of the Liberian government. The new President regards the proposition favorably, and thinks it will receive the concurrence of the legislature.

Mr. Andrew Carroll of Shelby county, lately deceased, has made this board his principal legatee in his will. The sum which will be received, if his wishes are carried out, will be near four thousand dollars. A suit by one claiming to be his heir, has been brought to set aside the will, and the payment of the bequest, if it is ever made, must be delayed.

The present secretary has notified the board of his resignation, to take effect upon the presentation of this report to the legislature. He will, however, hold himself in readiness, to furnish the legislature any information which may be desired with reference to the operations of the board.

In obedience to the law, the following statement of the expenditures from the beginning is furnished :

Cash paid to the American colonization society for the transportation of emigrants, of which \$312 15 is yet unused, and stands to the credit of the board.....	\$3,000 00
Paid emigrants independent of American colonization society.....	20 00
Salary of James Mitchell, from March, 1853, to August, 1854.....	813 12
Paid Mr. Mitchell, from the contingent fund, for services rendered independent of his position as secretary....	238 00
Borrowed from the fund in 1854, part of McKay's expenses to Liberia—a balance .....	98 50
Printing in 1853 and 1854.....	120 17
Salary to John McKay as agent, being two thirds of the salary of the secretary—14 months.....	466 66
Salary to T. A. Mills, as secretary from Aug. 1, 1854 to January 12, 1857.....	283 33
Contingent expenses, map of Africa, etc.....	24 00

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Making a total of.....	\$5063 79
And leaves of the original appropriations, as yet unused.....	)) ))

In closing their last communication to the legislature, and transferring this important trust to other hands, the board would express the earnest hope, that a liberal patronage may be extended to this cause, till it shall become well established, and stand forth as one of the noblest charities of the State.

Submitted on behalf of the board.

THORNTON A. MILLS,

*Secretary.*

Which,

On motion by Mr. Carnahan,  
Was laid on the table.

On motion,

Messrs. Humphreys and McDonald of Lake were added to the committee on swamp lands.

#### PETITIONS, MEMORIALS, REMONSTRANCES, ETC.

By Mr. Branham,

A petition signed by Mark Tilton and others of the State of Indian, in reference to the practice of medicine and surgery.

Which,

On motion,

Was referred to the same select committee appointed heretofore on same subject.

By Mr. Vawter,

A petition from J. G. Russell and others, in reference to the practice of medicine and apothecaries.

Which,

On motion,

Was referred to the same select committee heretofore appointed on same subject

By Mr. Smith of Bartholomew,

The petition of John C. Shoemaker relative to the school law.

Which,

On motion,

Was referred to the same select committee heretofore appointed on that subject.

By Mr. Wallace,

A petition signed by Benj. P. Fuller, in reference to arresting George Watts for murder.

Which,

On motion,  
Was referred to the committee on claims.

By Mr. Slicer,

A petition signed by A. D. Scott and others, in reference to the apprehending of David Pigg by John A. Kendall.

Which,

On motion,  
Was referred to the committee on claims.

By Mr. Connor of Wabash,

A petition signed by Joel Wright and others, in reference to the practice of medicine and surgery.

Which was read and referred to the select committee heretofore appointed on same subject.

By Mr. Conduitt,

A petition signed by William R. Winton and others, in reference to the practice of medicine and surgery.

Which,

On motion,  
Was referred to the select committee heretofore appointed on same subject.

#### REPORTS FROM COMMITTEES.

Mr. Connor of Wabash, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The judiciary committee to whom was referred House bill No. 31, entitled a bill for the relief of widows, have had the same under consideration, and directed me to report the same back with a recommendation, that its further consideration be indefinitely postponed, the committee deeming its provisions in direct violation of the constitution of the State.

Which report was concurred in.

Mr. Connor of Hamilton, from the judiciary committee, made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred House bill No. 32, entitled "an act to regulate the sale of property on execution or order of sale upon debts hereafter contracted," have had the same under consideration, and directed me to report

the same back with a recommendation, that its further consideration be indefinitely postponed, the committee deeming legislation on the subject inexpedient.

The question being on concurring in the report,

Mr. Lane moved to recommit the bill, with the following instructions :

To repeal the clause "without relief from valuation laws."

Which was not agreed to.

On motion by Mr. Blake,

The amendment was laid on the table.

The report was then concurred in.

Mr. Kerr, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred House bill No. 26, entitled a bill to amend the eighth section of an act, entitled "an act providing for the election, and prescribing certain duties of county surveyor," approved June 17, 1852, have had the same under consideration, and direct them to report the same back to the House, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Herod, chairman of the committee on roads, made the following report :

MR. SPEAKER :

The committee on roads to whom was referred House bill, No. 28, entitled a bill to amend the ninth section of an act, approved June 18th, 1852, have had the same under consideration, and directed me to report the same back without amendment and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. McFarland, chairman from the committee on corporations, made the following report :

MR. SPEAKER :

The committee on corporations, to whom was referred the petition of sundry citizens of Terre Haute, praying to amend sections nine and fifty of an act, entitled an act for the incorporation of cities, have had the same under consideration, and have directed



me to introduce the accompanying bill and recommend its passage:

House bill, No. 48. A bill to amend sections nine and fifty of an act, entitled an act for the incorporation of cities, approved June 18, 1852.

Which was read a first time.

Mr. Blake, chairman of the committee on organization of courts, made the following report:

MR. SPEAKER:

The committee to whom was referred resolution of enquiry in reference to the expediency of abolishing courts of common pleas, beg leave to report that they believe it inexpedient to abolish said court.

Which report was concurred in.

Mr. Neff from the committee on the organization of courts made the following report:

The committee on the organization of courts of justice, authorize me to report back House bill, No. 15, for the appointment of judges of the court of common pleas and recommend its passage, with the following amendment:

Strike out all after the enacting clause and insert the following:

SECTION 1. That if from any cause, any judge of a common pleas court shall be unable to attend at any term thereof, the clerk and sheriff of said county may appoint in writing, any other judge of a court of record or any attorney thereof to preside at such term, such appointment being entered on the order book of such court, and such appointee shall conduct the business of such court under the same regulations provided by law, and have the same authority as the judge elect, and shall receive a compensation of five dollars per day, which amount shall be deducted from the salary of the judge elect, to be paid on the warrant of the county auditor on the county treasurer.

SEC. 2. Whereas, there is no law now in force, for the appointment of common pleas judges, it is hereby declared that an emergency exists, therefore, this act to be in force from and after its passage.

The amendment was adopted and the report concurred in.

Mr. Larue, from the committee on fees and salaries, made the following report:

MR. SPEAKER :

The committee on fees and salaries, to whom was referred the resolution herewith transmitted, instructing said committee to enquire into the expediency of so amending the act relative to the fees allowed jurors before justices of the peace as to allow one dollar per day to each, to be recovered as provided by law, respectfully report that they have had the same under consideration and deem further legislation on the subject inexpedient.

Which report was concurred in.

Mr. Moore, from the committee on fees and salaries, made the following report :

MR. SPEAKER :

The committee on fees and salaries, to whom was referred House bill No. 30, have had the same under consideration and directed me to report the same back to this House, and recommend the passage of the original bill pending, without the amendment.

Which report was concurred in.

Mr. Blake, from a select committee, made the following report :

MR. SPEAKER :

The special committee to whom was referred resolution of the House in reference to the mode of doing township business beg leave to report, that as there is now a standing committee upon the subject embraced in the resolution, the committee, therefore, recommend its reference to committee on county and township business.

Which report was concurred in.

Mr. Studabaker, from a select committee, made the following report :

MR. SPEAKER :

The committee to whom was referred House bill, No. 19, an act entitled an act creating the fourteenth judicial circuit, and providing for the election of a judge thereof, have had the same under consideration, and direct me to report the same back and recommend its reference to the committee on organization of courts.

Which report was concurred in, and the reference so made.

## RESOLUTIONS.

On motion by Mr. McKinney,

*Resolved*, That the Doorkeeper of this House be requested to report to this House the number and names of the several assistants by him employed for the present session.

The following preamble and resolution was offered by Mr. Blake :

WHEREAS, it is publicly announced that the Gramercy Bank of La Fayette, Indiana, and Shawnee Bank of Attica, have failed ; therefore,

*Resolved*, That the Auditor of State be, and he is hereby requested immediately to report to this House the kind and amount of securities on file in his office in favor of said banks.

Which was agreed to.

Mr. Kerr offered the following resolution :

*Resolved*, That there be two committees, of three each, added to the standing committees of this House, to be called respectively, the committee upon the affairs of the office of the Auditor of State, and the committee upon the Treasurer of State, whose especial duty it shall be respectively to examine thoroughly and carefully, the condition of the business and affairs of said offices during each session of the General Assembly, and report thereon to this House, and recommend such additional legislation in reference thereto, as the safety and best interest of the State may require.

Which lays over, under the rule.

On motion by Mr. Price,

*Resolved*, That the committee on schools be instructed to enquire into the expediency of changing the 14th section of the school law, so as to require the voters of each township to elect one school librarian for a term of two years.

On motion by Mr. Conduitt,

*Resolved*. That the committee on agriculture be instructed to enquire into the expediency of providing by law for the annual collection and publication of the statistics of the agricultural and manufacturing productions of this State.

On motion by Mr. Taggart,

*Resolved*, That the committee on the judiciary, be instructed to enquire into the expediency of so amending the criminal law as to abolish capital punishment, and report by bill or otherwise.

On motion by Mr. Larue,

*Resolved*, That the committee on the judiciary, be instructed to enquire whether section 5 of chapter 38, of the laws of 1853, was constitutionally enacted, and if not, that they further enquire into the expediency of enacting a law similar in its provisions to said section, and report by bill or otherwise.

On motion by Mr. Stillwell,

*Resolved*, That the committee on judiciary, be requested to enquire as to the expediency of making an appropriation for the purpose of purchasing an additional library for the supreme court.

On motion by Mr. Wright,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of changing the Revised Statute, volume 1st, chapter 117, approved June 9th, 1852, sec. 1st, in relation to weights and measures, so much of it as relates to onions, the word fifty-seven should be forty-five, and report by bill or otherwise.

On motion by Mr. Ricketts,

The resolution laid over under the rule yesterday, was called up.

*Resolved*, That a committee to consist of three members be added to the standing committee of this House, to be styled committee on rail roads.

Which was adopted.

Messrs. Davis of Sullivan, Steele and Blake were appointed said committee by the Speaker.

On motion by Mr. Robbins,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of so amending the present law exempting property from execution, (except in case of widows,) that but two hundred dollars shall be exempted therefrom, instead of three hundred, and to report upon the same by bill or otherwise.

On motion by Mr. Williams of Knox,

*Resolved*, That the Auditor of State be requested to inform this House, whether he has ordered lands given in as railroad stock, to be stricken from the duplicate in the counties in which the land lies; and if so, by what authority, and report at an early day.

On motion by Mr. Steele,

The vote on Mr. Blake's resolution relative to the Gramercy bank of Lafayette and the Shawnee bank, Attica, was reconsidered.

Mr. Steele offered the following amendment :

That the Auditor of State be requested to report to this House, instanter, the cause of the failure of the Gramercy and Shawnee banks, the amount of circulation of each outstanding, the amount and kind of bonds and other securities in his hands for the redemption of said circulation.

Which was agreed to.

The resolution, as amended, was adopted.

On motion by Mr. Cullen,

*Resolved*, That the committee on corporations be instructed to enquire into the expediency of so amending the general law governing city corporations and to prevent the city authorities from obstructing, by public buildings or otherwise, the public streets of cities, to report by bill or otherwise.

On motion by Mr. Shuman,

*Resolved*, That the committee on banks be instructed to enquire into the expediency of a law providing for the repeal of an act, entitled "an act to authorize and regulate the business of general banking," and for closing of the business of all banks doing business under said act.

On motion by Mr. Schermerhorn,

*Resolved*, That the Auditor, Secretary and Treasurer of State be required to furnish, for the information of this House, a copy of the notice published for letting the present contract for furnishing the State with paper, a copy of the bids received therefor, and also a copy of the contract made in pursuance of the award of the Auditor, Secretary and Treasurer of State, embracing the amount and contract of price of each kind of paper respectively; also, the samples with the prices of each, upon which the contract was awarded, and the samples, with the prices, furnished by the unsuccessful bidders, with their names, together with an account of paper, etc., furnished under the contract, and the accounts therefor certified and audited.

On motion by Mr. Ayres,

*Resolved*, That our committee on banks be instructed to enquire into the expediency of so amending the banking law, as not to allow the circulation of any notes of a less denomination than ten dollars, and that they report by bill or otherwise.

On motion by Mr. Batterton,

*Resolved*, That the committee on education be instructed to enquire into the expediency of amending the school law of 1852, to the following effect:

1st. To abolish the jurisdiction of township trustees, for school purposes, leaving the duties thereof to be performed by three trustees, elective annually by the voters of each school district, and to serve without compensation.

2d. That so much of the common school fund, as is raised by a tax of ten cents on each hundred dollars be received and distributed by the county treasurer, exclusively for the benefit of the county paying the same, according to the number of scholars in each civil township.

3d. To provide for an earlier day than the third Monday of May for the distribution of the common school fund.

On motion by Mr. Denby,

*Resolved*, That the committee on education be instructed to enquire into the expediency of so amending the school law, as to admit of contiguous cities and towns being consolidated for school purposes, together with the civil township in which they are situated, so as to form but one township for school purposes, and report by bill or otherwise.

On motion by Mr. Moon,

*Resolved*, That the committee on ways and means be instructed to enquire into the expediency of so amending the laws relating to the collection of taxes, as to require all taxes to be paid on or before the first Monday of February in each year, and that the county treasurers settle with the Auditor and Treasurer of State on, or before the first Monday of March following.

Mr. Gordon offered the following resolution:

*Resolved*, That when the House adjourns it shall be till Monday next at 2 o'clock, P. M.

Mr. Moore moved to lay the resolution on the table.  
Which was not agreed to.



The question being on the adoption of the resolution,

The ayes and noes were demanded by Messrs. Bethell and Williams of Knox.

*Those who voted in the affirmative were,*

Messrs. Austin, Ballenger, Batterton, Blake, Bowman, Branham, Claypool, Colgrove, Connor of Hamilton, Crawford Cullen, Davis, of Hendricks, Early, Evans, Gordon, Grose, Hutchings, Jefferis, Kerr, Lane, Larue, Lewis, Moon, McDonald of Fountain, McDonald of Lake, McFarland, Neal, Ricketts, Schermerhorn, Sherrod Shuman, Sloss, Smith of Delaware, Stillwell, Stone, Todd, Vawter, Wagner, Whitcomb, and Yater.—40.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Allen, Ayres, Bethell, Boyd, Brown, Carnahan, Clapp, Clark, Conner of Wabash, Conduitt, Crowe, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Edson, Harrison, Hawkins, Herod, Hoagland, Humphreys, Landiss, Marvin, Mercer, Merrifield, Modesitt, Moore, McDaniel, McGinnis, McKinney, Neff, Price, Reese, Reyman, Robbins, Shoulders, Slicer, Smith of Bartholomew, Steele, Studabaker, Taggart, Trippet, Van Sandt, Wallace, Ward, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Wright, and Mr. Speaker.—54.

So the resolution was not agreed to.

On motion by Mr. Kerr,

*Resolved*, That the committee on the judiciary be instructed to enquire into the constitutional power of the General Assembly so to amend the existing laws in reference to the manner of the distribution of the school fund raised by taxation, as to distribute to each county the amount of school tax collected therefrom.

Mr. Colgrove offered the following resolution:

*Resolved*. That the committee on the judiciary be instructed to enquire into the expediency of abolishing the court of common pleas, and to provide a different mode of doing probate business, and to so revise our present practice act, as to make the same conform to said proposed changes.

Which was not agreed to.

On motion by Mr. Sherrod,

*Resolved*, That a committee of five be appointed to enquire and devise some plan by which the temperature of this hall may be regulated so as not to endanger the health of members.

Mr. Wallace offered the following resolution :

*Resolved*, That there be three thousand copies printed of the annual report of the commissioners and superintendent of the Indiana Hospital for the Insane, for the year 1856, two thousand of which shall be for the use of the superintendent of said institution.

Which was not agreed to.

On motion by Mr. McDonald of Lake,

*Resolved*, That the Auditor of State be requested to report, instantler, in a separate report, the amount of securities in his office, of any kind whatever, placed in his office by the Grainercy bank for the security of billholders.

On motion by Mr. Cullen,

The resolution relative to changing rules 59 was called up, and agreed to.

Mr. Marvin offered the following resolution :

*Resolved*, That the committee on education be instructed to report a bill to repeal the tax of ten cents on the one hundred dollars for school purposes.

Mr. Studabaker moved to lay the resolution on the table.

The ayes and noes were demanded by Messrs. Studabaker and Marvin.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Austin, Ballenger, Batterton, Bowman, Boyd, Branham, Brown, Clapp, Clark, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Cullen, Davis of Hendricks, Denby, Duncan, Early, Gordon, Grose, Harrison, Hawkins, Hayden, Hoagland, Humphreys, Hutchings, Jefferis, Kerr, Landiss, Lane, Larue, Lewis, Mercer, Modesitt, Moon, Moore, McDaniel, McDonald of Lake, McFarland, McKinney, Neal, Price, Reese, Schermerhorn, Shuman, Smith of Bartholomew, Smith of Delaware, Steele, Stone, Studabaker, Taggart, Todd, Van Sandt, Wagner, Wallace, Walpole, Ward, Whitcomb, Williams of Knox, Williams of Lagrange, Williamson, Wright, and Mr. Speaker—8.

*Those who voted in the negative were,*

Messrs. Allen, Bethell, Blake, Carnahan, Conduitt, Crowe, Davis of Sullivan, Dobbins, Edson, Evans, Herod, Marvin, McGin-

nis, Neff, Reyman, Ricketts, Sherrod, Shoulders, Slicer, Sloss, Trippet, Wiley, and Yater.—24.

So the resolution was laid on the table.

On motion by Mr. Denby,

*Resolved*, That a committee of three on the part of this House be appointed to act with a like committee on the part of the Senate, to examine into the securities of the various free banks of the State of Indiana, and that the Senate be informed of the passage of this resolution.

Messrs. Schermerhorn, Humphreys, and Branham, were appointed said committee.

Mr. Conner of Wabash moved to reconsider the vote on the resolution of Mr. Gordon relative to adjournment until Monday next.

When,

On motion by Mr. Williams of Knox,  
The motion was laid on the table.

On motion by Mr. Gordon,

*Resolved*. That three additional members be added the committee on agriculture.

Messrs. Lane, Williams of Knox, and Wagner were appointed said committee.

Mr. Shuman offered the following resolution :

*Resolved*, That this House do hereby agree to empower the Governor to place some proper person in charge of the State Library, in order that the same may be opened for access of members and others, until a Librarian is duly elected, and request that the Senate will concur in this resolution.

On motion by Mr. Sherrod,  
The resolution was laid on the table.

Mr. Ricketts offered the following resolution :

*Resolved*, That the committee on education be instructed to enquire into the expediency of collecting a poll tax for common school purposes, and report by bill or otherwise.

Which was not agreed to.

Mr. Blake offered the following resolution :

*Resolved.* That the committee on the judiciary be instructed to enquire into the expediency and constitutionality of a law levying an additional tax for road purposes on non resident lands.

Which was not agreed to.

Mr. Neal offered the following resolution :

*Resolved.* That the Doorkeeper be authorized to procure two additional copies of the State Journal per day for each member of this House, and have them enveloped and stamped.

Which was not agreed to.

#### JOINT RESOLUTIONS INTRODUCED.

By Mr. Wright,

No. 3. A joint resolution on the subject of improving the navigation of the Ohio River.

Which was read a first time and passed to a second reading.

#### BILLS INTRODUCED.

By Mr. Smith of Bartholomew,

House bill No. 49. A bill to amend an act, entitled an act touching gaming contracts, approved June 11, 1852.

Which was read a first time and passed to a second reading.

By Mr. Grose,

House bill No. 50. A bill to amend the 4th section of an act, entitled an act to regulate the tolls of grist mills, and prescribing certain duties of millers.

Which was read a first time and passed to a second reading.

Mr. Denby introduced,

No. 51. A bill to establish tobacco inspections in the State of Indiana.

Which was read a first time, and passed to a second reading.

By Mr. Douglass,

House bill No. 52. A bill to amend the 31st section of an act, entitled an act dividing the State into counties, defining their boundaries, and defining the jurisdiction of such as border on the

Ohio and Wabash rivers, approved June 7th, 1852, so as to rectify an error in defining the boundaries of Harrison county.

Which was read a first time and passed to a second reading.

On motion by Mr. Carnahan,  
The House adjourned.

2 o'clock, P. M.

House met.

By unanimous consent,  
Mr. Merrifield introduced,

Joint resolution No. 4. Joint resolution on the subject of the tariff.

Which was read a first time and passed to a second reading.

On motion by Mr. Lane,

House bill No. 48. A bill to amend sections 9 and 50 of an act entitled an act for the incorporation of cities, approved June 18, 1852.

Was taken up.

The question being, shall the bill be read a second time now?  
The ayes and noes were taken under the Constitution.

*Those who voted in the affirmative were,*

Messrs. Allen, Austin, Ayres, Bethell, Blake, Bowman, Boyd, Branham, Carnahan, Clapp, Conduitt, Crawford, Crowe, Cullen, Davis of Hendricks, Dobbins, Douglass, Duncan, Early, Edson, Grose, Harrison, Hawkins, Herod, Hunphreys, Jefferis, Kerr, Landiss, Lane, Larue, Lewis, Mercer, Merrifield, Modesitt, Moon, Moore, McDaniel, McDonald of Lake, McFarland, McKinney, Neff, Price, Reyman, Ricketts, Schermerhorn, Sherrod, Shuman, Slicer, Sloss, Smith of Bartholomew, Steele, Stillwell, Stone, Studabaker, Taggart, Trippet, Van Sandt, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Wright, and Yater—68.

*Those who voted in the negative were,*

Messrs. Colgrove, Conner of Wabash, Davis of Sullivan, Marvin, McGinnis, Neal, Robbins, and Mr. Speaker—8.

So the rules were suspended, and the bill read a second time.

Mr. Lane moved to commit the bill to the committee on corporations, with the following instructions:

To amend by providing that said cities may be divided into three or five wards, and elect one or two councilmen from each ward, as may be directed by ordinance in said city.

Which was agreed to.

On motion by Mr. Humphreys,  
Messrs. Bryan and Claypool were excused until Monday next.

Mr. Sherrod offered the following resolution:

*Resolved*, That the Senate concurring, that the standing committee of the House on apportionment, and the like standing committee of the Senate, be constituted a joint committee of the two Houses to digest and report to the two Houses, a bill to make an apportionment of the State for Senatorial and Representative purposes.

Which lays over under the rule.

#### BILLS INTRODUCED.

By Mr. Neff,

House bill No. 53. A bill repealing sections 72, 74, 76, and 85 of an act, entitled "an act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith;" approved June 14, 1852.

Which was read a first time, and passed to a second reading.

#### HOUSE BILLS ON SECOND READING.

House bill No 38. A bill to amend the 10th section of an act, entitled "an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases; approved June 9, 1852.

Was read a second time,

And,

On motion by Mr. Humphreys,  
Was referred to the committee on the judiciary.



No. 39. A bill for the better protection of landlords, and to facilitate the renting of lands to tenants.

Was read a second time.

And,

On motion by Mr. Abel,

Referred to the committee on the judiciary.

No. 40. A bill to amend the 5th and 6th sections of an act, entitled "an act to exempt property from sale in certain cases," approved Feb 17, 1852.

Was read a second time,

And,

On motion by Mr. Lane,

Referred to the committee on the judiciary.

No 41. A bill to repeal the 36th and 37th sections of an act, entitled an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing for the compensation of judges thereof.

Was read a second time.

The question being, shall the bill be engrossed?

It was not agreed to.

A message from the Senate by their Secretary, Mr. Harvey :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have concurred in the following resolution of the House :

"*Resolved*, That a committee of three on the part of this House, be appointed to act with a like committee on the part of the Senate to examine into the securities of the various free banks in the State of Indiana, and that the Senate be informed of the passage of this resolution, in which the concurrence of the Senate is respectfully requested."

And that Messrs. Burke, Tarkington, and Johnston are the committee on the part of the Senate.

No. 42. A bill relative to the salaries of public officers' appropriation, and providing the manner of paying the same.

Was read a second time.

And,

On motion by Mr. McFarland,

Referred to the committee on fees and salaries.

No. 43. A bill to authorize railroad companies to surrender their franchises, pay their liabilities, divide the assets and dissolve the corporation.

Was read a second time.

And,

On motion by Mr. Conner of Wabash,

Referred to the committee on corporations.

No. 44. A bill to regulate the publication of county, township, or any other business requiring publication by county officers, or administrators, &c.

Was read a second time.

And,

On motion by Mr. Wallace,

Referred to the committee on county and township business.

No. 45. A bill regulating fees and costs of county clerks, sheriffs, coroners, prosecuting attorneys, justices of the peace, constables, and witnesses, in certain criminal cases.

Was read a second time.

And,

On motion by Mr. Studabaker,

Referred to the committee on judiciary.

No. 46. A bill for the improvement of agriculture, and to enable persons owning overflowed or swamp lands to drain the same.

Was read a second time.

And,

On motion by Mr. Humphreys,

Referred to the committee on the judiciary.

No. 47. A bill to amend section 1 of an act, entitled an act to prevent property from sale in certain cases.

Was read a second time

Mr. Conduitt moved to indefinitely postpone the bill.

The ayes and noes were demanded by Messrs. McDonald of Lake and Carnahan.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Blake, Bowman, Boyd, Branhan, Brown, Carnahan, Clapp, Clark, Colgrove, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Hendricks, Denby, Dobbins, Douglass, Duncan, Early, Edson, Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Hutchings, Jefferis, Kerr, Lane, Larue, Lewis, Merrifield, Modisett, Moon, Moore, McDaniel, McDonald of Lake, McFarland, McGinnis, McKinney, Neal, Price, Reyman, Schermerhorn, Sherrod, Slicer, Sloss, Smith of Bartholomew, Steele, Stillwell, Studabaker, Taggart, Trippet, Van Sandt, Vawter, Wallace, Walpole, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Wright, Yater, and Mr. Speaker.—74.

*Those who voted in the negative were,*

Messrs. Bethell, Conner of Hamilton, Davis of Sullivan, Evans, Landiss, Marvin, Mercer, Neff, Robbins, Shoulders, Smith of Delaware, Stone, Todd, Wagner, and Williamson.—15.

So the bill was indefinitely postponed.

The Speaker announced Messrs. Davis of Sullivan, Steele, and Blake the committee on railroads, under a resolution of the House.

On motion by Mr. Wagner,

*Resolved*, That the committee on agriculture be requested to enquire into the propriety of making an appropriation for the erection of suitable buildings on the square set apart in the city of Indianapolis for the State University, for a place of deposit for all agricultural implements and records belonging to the State agricultural society, with a view ultimately to prepare said square for a State University for the education of the young men of the State of Indiana in mechanical and agricultural science.

On motion by Mr. Conner of Wabash,

House bill No. 34. A bill to authorize the issuing of execution in certain cases.

Was taken from the table, and read a second time.

And,

On motion by Mr. Abel,

Referred to the committee on the judiciary.

By unanimous consent,

Mr. Davis of Sullivan offered the following resolution:

*Resolved*, That the committee of ways and means be instructed to enquire into the expediency of reporting a bill providing for the repeal of all laws for the collection of debts, to take effect on the 4th day of July, 1858.

Mr. Grose moved to lay the resolution on the table.

The ayes and noes were demanded by Messrs. Humphreys and Davis of Sullivan.

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Austin, Ayres, Ballenger, Boyd, Branham, Brown, Carnahan, Clark, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Cullen, Davis of Hendricks, Denby, Dobbins, Duncan, Edson, Evans, Grose, Harrison, Hayden, Herod, Humphreys, Jefferis, Kerr, Landiss, Lane, Lewis, Marvin, Mercer,

Modesitt, Moore, McDaniel, McDonald of Lake, McFarland, McKinney, Neal, Price, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Shuman, Slicer, Sloss, Smith of Delaware, Steele, Stillwell, Stone, Studabaker, Taggart, Todd, Trippet, Van Sandt, Wallace, Walpole, Ward, Whitcomb, Wiley, Williamson, Wright, and Mr. Speaker—66.

*Those who voted in the negative were,*

Messrs. Bethell, Blake, Bowman, Clapp, Conduitt, Crowe, Davis, of Sullivan, Douglass, Hawkins, Hoagland, Hutchings, Larue, Merrifield, Moon, McGinnis, Ricketts, Smith of Bartholomew, Vawter, Wagner, Williams of Knox, Williams of Lagrange, and Yater—24.

So the resolution was laid on the table.

Mr. Grose, from a select committee, made the following report :

**MR. SPEAKER :**

The special committee, to whom was referred House bills 18 and 20, upon the subject of appraisal of real estate, direct me to report the same back, and recommend its reference to the committee on ways and means, to whom has been referred similar bills.

Which report was concurred in.

Mr. Crowe, chairman of the committee on enrolled bills, made the following report :

**MR. SPEAKER :**

The committee on enrolled bills have compared enrolled House bill No. 2, with the engrossed copy thereof, and find the same correctly enrolled.

Mr. Marvin, chairman of the committee on engrossed bills, made the following report :

**MR. SPEAKER :**

The committee on engrossed bills have examined the following engrossed bills of the House, to-wit: House bill No. 4 and House bill No. 6, and find that said bills are correctly engrossed.

A message from the Governor by Mr. Osborne, his executive messenger :

MR. SPEAKER :

I am directed by the Governor to inform the House, that he has approved and signed the following bill, to-wit: "An act ceding to the United States of America jurisdiction over certain lands and their appurtenances in the city of Indianapolis, and exempting the same from taxation."

On motion by Mr. Carnahan,  
The House adjourned.

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SATURDAY MORNING, 9 o'clock, }  
January 17, 1857. }

The House met.

On motion,  
The reading of the journal was dispensed with.

On motion,  
Leave of absence was granted Mr. Early until Monday next.

On motion,  
Leave of absence was granted Mr. Moon until Monday next.

On motion,  
Leave of absence was granted Messrs. Lewis and Lane until Monday next.

On motion,  
Leave of absence was granted Mr. Jefferis until Monday next.

PETITIONS, MEMORIALS, REMONSTRANCES, &c.

By Mr. Hayden,

A petition signed by H. E. Dodd and others in reference to the practice of medicine and surgery.

Which,

On motion,  
Was referred to the same select committee heretofore appointed on that subject.

By Mr. Larue,

A petition signed by Henry L. Ellsworth in reference to plank, McAdamised, and gravel roads.

Which,

On motion,

Was read and referred to the committee on fees and salaries.

On motion,

Mr. Neal was excused from serving on the committee on fees and salaries.

On motion by Mr. Larue,

*Resolved*, That the committee on roads be instructed to enquire into the expediency of extending the provisions of the act authorizing the construction of McAdamised, plank, and gravel roads, to tram roads.

On motion by Mr. Duncan,

*Resolved*, That the committee on temperance be requested to enquire into the expediency of repealing all laws regulating the manufacturing and sale of spirituous liquors, and report by bill or otherwise, the enactment of a law protecting the rights of the citizens of the State, and prohibiting the adulteration of said liquors, and declaring disorderly houses a public nuisance.

Mr. Denby, chairman of the committee on elections, made the following report:

**MR. SPEAKER:**

The committee on elections, to whom was referred the matter of the contested election case in Marion county, have had the same under consideration, and have instructed me to report that there is no evidence touching the cases on file, and that the contestor did not appear before them either in person, or by attorney, and ask to be discharged from the consideration of the same.

Which report was concurred in.

On motion by Mr. Moore,

*Resolved*, That the committee on county and township business be instructed to enquire into the expediency of repealing the law abolishing county officers' fuel and light, with leave to report by bill or otherwise.

On motion by Mr. Carnahan,

*Resolved*, That all the committees of this House who have employed clerks, report the fact to this House without delay.

On motion by Mr. Crowe,



*Resolved*, That the committee on the judiciary be requested to enquire into the expediency of so amending the law relating to evidence of parties, as to permit parties to swear to their book accounts.

On motion by Mr. Robbins,

*Resolved*, That the committee on temperance be instructed to enquire into the expediency of refraining entirely from all legislation upon the subject of the use, sale, and manufacture of cider, ale, porter, beer, and domestic wines, manufactured from the grape, and of attaching a severe penalty for mixing any liquors kept for sale, and for the adulteration of all liquors kept for sale or to be given away, and report upon the same to this House, by bill or otherwise.

On motion by Mr. Williams of Lagrange,

*Resolved*, That the committee on education be instructed to enquire into the expediency of so amending our school laws, that there may be an equal distribution of the school funds of each township among the scholars in their respective districts.

Mr. Wiley offered the following resolution :

*Resolved*, That the committee on education be instructed to enquire into the expediency of distributing all the general school funds into the several counties in this State, in proportion to the number of ratable polls, adding ten per cent., and that they report by bill or otherwise.

Which was not agreed to.

On motion by Mr. Clark,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of abolishing the grand jury system, and have leave to report by bill or otherwise.

On motion by Mr. Price,

*Resolved*, That the committee on education be instructed to enquire into, and report, if expedient, some more efficient method of examining school teachers, and report by bill or otherwise.

#### BILLS INTRODUCED.

By Mr. Dobbins,

House bill No. 54. A bill for the more uniform mode of doing township business, and to repeal all other acts in conflict with the same.

Which was read a first time and passed to a second reading.

The Speaker laid before the House the following communication and report from the Auditor of State:

OFFICE OF AUDITOR OF STATE, }  
Indianapolis, Jan. 16th, 1857. }

HON. BALLARD SMITH,

*Speaker of the House of Representatives :*

SIR:—In compliance with a requisition made of me by a resolution of the House, to report instanter as to the condition of the Gramercy bank and the Shawnee bank, I beg leave to submit the following :

The condition of the Gramercy bank on the 22d day of November, 1856, was as follows :

Circulation outstanding..... \$31,383 00

Bonds on hand,

Indiana 5 per cents.....	\$15,500 00
Virginia 6 per cents.....	2,000 00
Louisiana 6 per cents.....	10,000 00
Missouri 6 per cents.....	7,000 00

34,500 00

The condition of the Shawnee bank on the same day, 22d Nov. 1856, was as follows :

Circulation outstanding..... \$21,171 00

Bonds on hand,

Indiana 5 per cents.....	\$4,000 00
Indiana 2 per cents.....	15,000 00
Louisiana 6 per cents.....	12,500 00

31, 00

These banks were both the property of Charles M. Wheelock and Edward F. Nexsen, residing in Lafayette. The former, Mr. Wheelock, came to this office not long since, and informed me that it was the intention to withdraw the circulation of both the banks, and to invest the entire capital in the Bedford branch of the Bank of the State of Indiana, with which they had recently become connected. For this purpose he desired to withdraw the stocks on deposit in my office, and supply their place with gold, for the re-

demption of the circulation. I declined his proposition; and in a few days afterwards he returned with a bond of indemnity in the sum of \$66,000, signed by several gentlemen of wealth and respectability, of Lafayette and vicinity. Relying upon the security, and upon the integrity of the applicant, and desirous of rendering every accommodation in my power, I yielded to his solicitations and surrendered the bonds amounting, as per statement, to \$66,-187 50, which have not as yet been returned. I was further influenced to this departure from the rules and custom of the office, by a knowledge of the reputable character and connection of Mr. Nexen, who was regarded as a man of wealth and honor, and who had been but recently elected to the Presidency of the Branch Bank at Bedford. Whether anything will be received from the parties to this fraud, cannot yet be determined. Prompt measures will, however, be taken either to enforce collection of the bond, or prevent the transfer of the stocks thus fraudulently obtained, to innocent parties. The circumstance has occasioned me deep regret, but I trust will not eventuate in serious loss to the public.

Respectfully submitted,

H. E. TALBOTT, *Auditor.*

Mr. Davis of Sullivan moved to commit the report to a select committee of five, with the following instructions:

That the select committee of five be appointed and instructed to adopt the most stringent and prompt action to investigate and report to this House, as to the best mode of securing all parties against loss in this case, and also report as to the nature and extent of the frauds important to the public to know, and that the committee have leave to sit during the sessions of the House if they desire it.

Mr. Humphreys moved to lay the report on the table, and print 500 copies.

Mr. Davis of Sullivan called a division of the question.

The question being on laying the report on the table,

The ayes and noes were demanded by Messrs. Humphreys and Davis.

*Those who voted in the affirmative were,*

Messrs. Austin, Batterton, Blake, Boyd, Carnahan, Clark, Crawford, Davis of Hendricks, Edson, Gordon, Hawkins, Hayden, Landiss, Mercer, Merrifield, McDonald of Lake, Neal, Price, Slicer, Smith of Delaware, Todd, Wiley, Williams of Lagrange, and Wright.—24.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Allen, Ayres, Bethell, Bowman, Branham, Brown, Colgrove, Conner of Wabash, Conner of Hamilton, Conduitt, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Evans, Harrison, Herod, Hoagland, Humpreys, Hutchings, Kerr, Larue, Marvin, Modesitt, Moore, McDaniel, McFarland, McGinnis, McKinney, Neff, Resse, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Shuman, Sloss, Smith of Bartholomew, Steele, Stillwell, Studabaker, Taggart, Trippet Van Sandt, Vawter, Wagner, Wallace, Ward, Williams of Knox, Williamson, and Mr. Speaker.—57.

So the report was not laid on the table.

The question then being on committing with instructions,  
It was agreed to.

The Speaker then appointed Messrs. Kerr, Crowe, Studabaker, Hayden and Wagner said committee.

Mr. Blake offered the following resolution :

*Resolved*, That the committee on the judiciary be instructed to immediately enquire into the expediency of authorizing the Attorney General of instituting a suit against the Auditor of State, in order to prevent any loss to the State, arising out of the unlawful withdrawal of the securities of the Gramercy and Shawnee banks from the Auditors office.

On motion by Mr. Neal,  
The resolution was laid on the table.

On motion by Mr. Neal,

*Resolved*, That the special committee appointed on the part of this House, be instructed to enquire whether the owners of the banks of Gramercy and Shawnee are connected with any other bank or banking institutions, and report to this House the names of the bank or banks with which they may have an interest.

On motion,  
Mr. Kerr called up a resolution offered on yesterday,  
Which laid over one day under the rule,  
Relative to appointing two committees of three each, to be added to the standing committees of this House, to be called respectively the committee upon the affairs of the office of the Auditor of State, and the committee upon the Treasurer of State.

The question being upon the adoption of the resolution?  
It was not agreed to.

## ORDERS OF THE DAY.

*House Bills on Second Reading.*

No. 49. A bill to amend an act touching gaming contract; approved June 11, 1852.

Was read a second time.

And,

On motion by Mr. Moore,

Referred to the committee on elections.

No. 50. A bill to amend the 4th section of an act, entitled an act to regulate the toll of grist mills, and prescribing certain duties of millers.

Was read a second time.

And,

On motion by Mr. Moore,

Referred to the committee on agriculture.

No. 51. A bill to establish tobacco inspectors in the State of Indiana.

Was read a second time,

And,

On motion by Mr. Dobbins,

Referred to the committee on manufactures and commerce.

No. 52. A bill to amend the 31st section of an act, entitled an act dividing the State into counties, defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers; approved June 7th, 1852; so as to rectify an error in defining the boundaries of Harrison county.

Was read a second time,

And,

On motion by Mr. Bethell,

Referred to the committee on the judiciary.

No. 53. A bill repealing sections 72, 74, 76, and 85 of an act, entitled an act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith; approved June 14th, 1852.

Was read a second time,

And,

On motion by Mr. Studabaker,

Referred to the committee on education.

## HOUSE JOINT RESOLUTIONS ON SECOND READING.

No. 3. A joint resolution on the subject of improving the Ohio river.

Was read a second time.

And,

On motion by Mr. Davis of Sullivan,

Was referred to the same select committee heretofore appointed on that subject.

No. 4. A joint resolution on the subject of the tariff.

Was read a second time and ordered to be engrossed.

#### HOUSE BILLS ON THIRD READING.

House bill No. 26. A bill to amend the 8th section of an act providing for the election and prescribing certain duties of county surveyor; approved June 17th, 1852.

Was read a third time.

Mr. Larue moved to recommit the bill with the following instructions :

Insert in the proper place, "when confirmed by the court directing to re-survey."

Mr. Studabaker moved to amend the instructions by striking out "one" and inserting "three," wherever it occurs.

The ayes and noes were demanded by Messrs. Kerr and Gordon.

*Those who voted in the affirmative were,*

Messrs. Carnahan, Clapp, Crowe, Davis of Sullivan, Denby, Douglass, Edson, Grose, Hayden, Herod, Hoagland, Marvin, Mercer, McFarland, Sherrod, Shoulders, Shuman, Slicer, Smith of Bartholomew, Steele, Studabaker, Trippet, Williams of Lagrange, Wright, and Mr. Speaker.—25.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Allen, Ayres, Bethell, Blake, Bowman, Boyd, Branham, Brown, Clark, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Davis of Hendricks, Dobbins, Duncan, Evans, Gordon, Harrison, Hawkins, Humphreys, Hutchings, Landiss, Larue, Merrifield, Modesitt, McDaniel, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neal, Price, Reese, Reyman, Robbins, Schermerhorn, Sloss, Smith of Delaware, Stillwell, Taggart, Todd, Van Sandt, Vawter, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, and Williamson.—54.

So the amendment to the instructions was not agreed to.

Mr. Gordon submitted the following amendment to the instructions:

Amend the instructions by extending the right of appeal within three years, to non-residents, and persons laboring under disabilities from infancy, coverture, lunacy, &c.



Which was not agreed to.

The question being, shall the House recommit with instructions?

It was agreed to.

By unanimous consent,

Mr. Austin offered the following resolution :

*Resolved*, That the committee on the rights and privileges of the inhabitants of the State of Indiana be requested to enquire into the propriety and necessity of so amending the first section of an act, entitled an act prescribing the powers and duties of Auditors of counties, so as to require bond of fifty thousand dollars instead of ten thousand dollars.

Which was agreed to.

House bill No. 28. A bill to amend the 9th section of an act approved June 18, 1852.

Was read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Clapp, Conner of Wabash, Duncan, Herod, Modesitt, Marvin, Taggart, Wagner, Ward, and Wiley.—10.

*Those who voted in the negative were,*

Messrs. Abel, Allen, Austin, Ayres, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Brown, Carnahan, Clark, Colgrove, Conner of Hamilton, Conduitt, Crawford, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Douglass, Edson, Evans, Gordon, Grose, Harrison, Hawkins, Hayden, Hoagland, Humphreys, Hutchings, Kerr, Landiss, Larue, Mercer, Merrifield, Moore, McDaniel, McDonald of Fountain, McDonald of Lake, McFarland, McGinnis, McKinney, Neal, Neff, Price, Reese, Remy, Robbins, Schermerhorn, Sherrod, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Studabaker, Todd, Trippet, Van Sandt, Vawter, Wallace, Whitcomb, Williams of Knox, Williams of Lagrange, Williamson, Wright, and Mr. Speaker.—74.

So the bill did not pass.

House bill No. 30. A bill to amend the 3d section of an act, entitled "an act to provide for the election, and prescribing certain duties of recorder," approved May 31, 1852.

Was read a third time.

By unanimous consent,

On motion by Mr. Larue,

The bill was amended as follows:

Insert at the proper place, after section 3 "of an act, entitled an act to provide for the election, and prescribing certain duties of recorder."

Mr. Denby moved to recommit with the following instructions:

That the committee amend so as to give recorders a lien upon the real estate conveyed or mortgaged for the collection of their fees, for the term of five years.

Mr. Steele moved to amend the instructions as follows:

That the recorder shall be bound to record in a certain length of time.

Mr. Merrifield moved to lay the instructions with the pending amendments on the table.

Which was agreed to.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Bethell, Bowman, Boyd, Clark, Colgrove, Crowe, Denby, Dobbins, Evans, Grose, Hoagland, Hutchings, Kerr, Larue, Moore, McDaniel, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neff, Price, Schermerhorn, Sherrod, Shoulders, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Taggart, Vawter, Ward, Whitcomb, Williams of Knox, Williams of Lagrange, and Williamson—38.

*Those who voted in the negative were,*

Messrs. Adams, Austin, Ayres, Batterton, Blake, Branham, Brown, Carnahan, Clapp, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Cullen, Davis of Hendricks, Davis of Sullivan, Douglass, Duncan, Edson, Gordon, Harrison, Hawkins, Hayden, Herod, Humphreys, Landiss, Marvin, Mercer, Merrifield, Modesitt, McFarland, Neal, Reese, Reyman, Robbins, Shuman, Slicer, Sloss, Studabaker, Todd, Trippet, Van Sandt, Wagner, Wiley, Wright, and Mr. Speaker—46.

So the bill did not pass.

House bill No. 15. A bill allowing the clerk and sheriff to appoint judge of the court of common pleas.

Was read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Ayres, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Brown, Carnahan, Clapp, Clarke, Col-

grove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Douglass, Duncan, Edson, Evans, Gordon, Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Hutchings, Kerr, Landiss, Larue, Marvin, Mercer, Merrifield, Modesitt, McDaniel, McDonald of Fountain, McDonald of Lake, McFarland, McGinnis, Neal, Neff, Price, Reese, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholemew, Smith of Delaware, Steele, Stillwell, Studabaker, Taggart, Todd, Trippet, Van Sandt, Vawter, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, and Wright—77.

*Those who voted in the negative were,*

Messrs. Austin, Denby, Dobbins, Humphreys, Moore, McKinney, and Mr. Speaker—7.

So the bill passed.

*Ordered*, That the clerk inform the Senate thereof.

On motion by Mr. Davis of Sullivan,  
Leave of absence was granted Mr. Neff.

On motion by Mr. Humphreys,  
The vote relative to authorizing the Attorney General to institute suit against the Auditor, &c.  
Was reconsidered.

The question then being on the adoption of the resolution,  
It was agreed to.

Mr. Batterton offered the following resolution:

*Resolved*, That when this House adjourns it do adjourn to meet on Monday next at 2 o'clock, P. M.

Mr. Humphreys moved to amend the resolution by striking out 2 o'clock and inserting 9 o'clock, A. M.

Which was not agreed to.

The question being on the adoption of the resolution,

The ayes and noes were demanded by Messrs Dobbins and Wallace.

*Those who voted in the affirmative were,*

Messrs. Austin, Batterton, Branham, Carnahan, Colgrove, Conduitt, Crawford, Davis of Hendricks, Evans, Gordon, Grose, Hayden, Hutchings, Kerr, Marvin, Modesitt, McDaniel, McDonald of Fountain, McFarland, Neal, Neff, Price, Reese, Sherrod, Shuman,

Sloss, Smith of Delaware, Steele, Stillwell, Studabaker, Todd, Van Sandt, Vawter, Wagner, Wallace, Whitcomb, and Wright.  
—38.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Allen, Ayres, Bethell, Blake, Bowman, Boyd, Brown, Clark, Conner of Hamilton, Conner of Wabash, Cullen, Davis of Sullivan, Denby, Dobbins, Duncan, Edson, Harrison, Hawkins, Herod, Hoagland, Humphreys, Landiss, Larue, Mercer, Merrifield, Moore, McGinnis, McKinney, Reymann, Robbins, Schemerhorn, Shoulders, Slicer, Smith of Bartholomew, Taggart, Trippet, Ward, Wiley, Williams of Knox, Williams of Lagrange, Williamson, and Mr. Speaker.—46.

So the resolution was not agreed to.

By unanimous consent,  
On motion by Mr. Wright.

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of so amending the law in relation to weights and measures, or so much of it as relates to the weight of oats, the word thirty-two should be thirty-three and one-third, and report by bill or otherwise.

On motion by Mr. Carnahan,  
The House adjourned until Monday morning at 9 o'clock.

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MONDAY MORNING, 9 o'clock, {  
January 19, 1857. }

The House met.

The journal was read and adopted.

#### REPORTS FROM COMMITTEES.

Mr. Sherrod, chairman of the committee on ways and means, made the following report :

**MR. SPEAKER :**

The committee on ways and means, to whom was referred the resolution of the House instructing them to enquire into the expediency of so changing our assessment laws as to exempt the property of widows who are not worth three hundred dollars from taxation, have considered the same, and instructed me to report, that in their opinion, such exemption would be unconstitutional, and ask to be discharged from further consideration of the subject.

Which was concurred in.

Mr. Sherrod, chairman of the committee on ways and means, made the following report :

**MR. SPEAKER :**

The committee on ways and means, to whom was referred a resolution of the House, instructing them to so change the assessment laws, that each tax payer may deduct his indebtedness from money on hand, or at interest, or from his personal property, have had the subject under consideration, and have directed me to report that they deem further legislation inexpedient, and ask to be discharged from the further consideration of the same.

Which,

On motion by Mr. Williams of Knox,  
Was laid on the table.

Mr. Sherrod, from the committee on ways and means, made the following report :

**MR. SPEAKER :**

The committee on ways and means, to whom was referred a resolution instructing them to enquire what reduction is necessary in per centage of county treasurers in this State, have had the subject under consideration and have directed me to report that they deem it inexpedient to make any change or reduction in the per centage of county treasurers, and ask to be discharged from further consideration of the subject.

Which report was concurred in.

Mr. Sherrod, from the committee on ways and means, made the following report :

**MR. SPEAKER :**

The committee on ways and means, to whom was referred a resolution instructing them to enquire into the expediency of dispensing with the system of requiring the county auditor to keep the

State, county, road, school, and township tax, &c., in separate columns, have had the same under consideration, and instruct me to report that they deem further legislation inexpedient, and ask to be discharged from further consideration of the same.

Which report was concurred in.

Mr. Sherrod, from the committee on ways and means, made the following report :

**MR. SPEAKER :**

The committee on ways and means, to whom was referred a resolution of the House, instructing them to enquire into the expediency of exempting machinery from taxation, have had the subject under consideration, and have directed me to report that they deem legislation upon the subject inexpedient, and respectfully ask to be discharged from further consideration of the same.

Which report was concurred in.

Mr. Larue, from the committee on ways and means, made the following report :

**MR. SPEAKER :**

The committee on ways and means, to whom was referred House bill No. 8, "an act defining certain rights, privileges and duties of railroad companies," &c., &c., have directed me to report the same back to the House, with the recommendation that it be referred to the judiciary committee, and ask to be discharged from the further consideration thereof.

Which report was concurred in, and the bill so referred.

Mr. Kerr, from the judiciary committee, made the following report :

The committee on the judiciary, to whom was recommitted House bill No. 26, with instruction to amend the first section thereof so as to make the re-survey therein contemplated, "when confirmed by the court directing the re-survey," final in the case, have had the same under consideration, and direct me to report the same to this House, amended in pursuance of said instructions, and recommend its passage as amended.

Which report was concurred in, and the bill laid on the table.

By unanimous consent,

Mr. Davis of Sullivan introduced,

House bill No. 55. A bill to prevent the circulation of an unauthorized paper currency.

Which was read a first time and passed to a second reading.



## RESOLUTIONS.

On motion by Mr. Davis of Sullivan,

*Resolved*, That the Attorney General be requested to give his opinion forthwith to this House in writing, whether under the 12th section of the law authorizing general banking, which passed the House of Representatives March 3d, 1855, the State is bound for the redemption of the issues of the Shawnee bank at Attica and the Gramercy bank at Lafayette.

On motion by Mr. Crowe,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of reporting a bill amending sec. 1, chap. 70 of the revised statutes of 1852, in reference to the mileage of sheriffs in taking convicts to the State Prison, as suggested by the Auditor of State on the 39th page of his annual report.

On motion by Mr. Clapp,

*Resolved*, That the committee on education be instructed to enquire into the expediency of so amending the law relative to the distribution of school funds as to give to each school district in a township an equal amount of money.

By unanimous consent,  
Mr. Davis of Sullivan introduced,

House bill No. 56. A bill for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act.

Which was read a first time and passed to a second reading.

Mr. Studabaker offered the following resolution :

*Resolved*, That the committee of ways and means be instructed to make the levy of taxes sufficient for the payment of interest on the indebtedness of the State and the sinking fund.

Which, by consent, was laid on the table.

By unanimous consent,  
Mr. Shoulders introduced,

House bill No. 57. A bill to legalize all deeds, mortgages and other instruments required to be recorded, taken and certified by justices of the peace, to whom commissions have been regularly

issued by mistake, before the expiration of the term of office of their predecessors.

Which was read a first time and passed to a second reading.

On motion by Mr. Dobbins,

*Resolved*, That the committee on ways and means be instructed to enquire into the expediency of creating a registry, by which it shall be made the duty of some one to authorize and register each certificate after it passes out of the hands of the agent, before it shall become valid, as recommended in the late report of the agent of State.

By unanimous consent,  
Mr. Conner of Wabash introduced,

House bill No. 58. A bill fixing the salary of prosecuting attorneys of the several judicial circuits, and repealing all laws inconsistent with the provisions of this act.

Which was read a first time and passed to a second reading.

On motion by Mr. Davis of Sullivan,

*Resolved*, That the committee on banks be instructed to enquire into the expediency of reporting a bill providing for a bank department.

Mr. Crawford offered the following preamble and resolution ;

**WHEREAS**, The Auditor states that a large amount of the funds belonging to the swamp land fund, have been used for other purposes, therefore,

*Resolved*, That the Auditor inform the House to what other purposes said fund has been used, and at what time, and by what authority said funds were used for other purposes.

Which was agreed to.

On motion by Mr. Williams of Lagrange,

*Resolved*, That the committee on education be instructed to enquire into the expediency of so amending the laws as to exempt from taxation all property built and used exclusively for school purposes.

#### BILLS INTRODUCED.

Mr. Denby introduced,

H. J.—11.

House bill No. 59. A bill legalizing the acknowledgment of all deeds, mortgages, and other instruments required to be recorded, taken, and certified by the clerks of the circuit courts of this State, after the reception of the revised statutes of 1852, in their respective counties.

Which was read a first time, and passed to a second reading

Mr. Ward introduced.

House bill No. 60. A bill to amend the 5th section of an act, entitled an act providing for an organization of circuit courts, the election of judges thereof, and defining their powers and duties.

Which was read a first time and passed to a second reading.

Mr. Williams of Knox introduced,

House bill No. 61. A bill to amend an act, entitled an act to regulate the sale of swamp lands, donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the construction of said grant, and to add an additional section thereto; approved May 9th, 1852.

Which was read a first time and passed to a second reading.

Mr. Bowman introduced,

House bill No. 62. A bill to amend section nine of an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers, and duties in civil cases; approved June 9th, 1852; and to extend their jurisdiction.

Which was read a first time and passed to a second reading.

Mr. Robbins introduced,

House bill No. 63. A bill to amend section 5 of an act, entitled an act prescribing the powers and duties of justices of the peace, in State prosecutions; approved May 29, 1852.

Which was read a first time, and passed to a second reading.

#### ORDERS OF THE DAY.

#### *House Bills on Second Reading.*

No. 54. A bill for the more uniform mode of doing county business, and to repeal all other acts in conflict with the same.

Was read a second time.

And,

On motion by Mr. Moore,

Referred to the committee on county and township business.

By unanimous consent,

Mr. Larue offered the following preamble and resolution :

**WHEREAS**, Chapter 39 of the laws of 1855, being an act to cure defects in the execution of deeds, &c., referred to defects then existing, and whereas defects exist in deeds executed since that date,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of so legislating, that such existing defects be cured, and to provide that in future the execution of deeds and other instruments required to be executed under seal, may be so executed without using wax or wafer seals.

Which was agreed to.

By unanimous consent,

On motion by Mr. Wagner,

*Resolved*, That the committee on education be instructed to enquire into the expediency of so amending the law, that the Superintendent of Public Instruction shall come into office on the first Monday of March.

By unanimous consent,

On motion by Mr. Clapp,

*Resolved*, That the committee on education be instructed to enquire into the expediency of so amending the law relative to the distribution of school funds, as to give to each school district in a township, an equal amount of money.

Mr. Gordon, from the committee on the judiciary, made the following report:

**MR. SPEAKER:**

The committee on the judiciary, to whom was referred House bill No. 13, entitled a bill supplemental to an act, entitled "an act to exempt property from sale in certain cases," approved Feb. 17, 1852, have had the same under consideration, and have directed me to report the same back, with a recommendation that it be indefinitely postponed.

Which report was concurred in.

On motion by Mr. Whitcomb.

*Resolved*, That the committee on banks be instructed to enquire into the expediency of so amending the general banking law of this State, as to limit the stocks hereafter deposited with the Treas-

urer of State to secure the circulation of any bank now organized, or which may hereafter be organized, to the stocks of the general government and those of this State, and certain other States to be specified by law.

Mr. Carnahan offered the following resolution :

*Resolved*, That when this House adjourns it adjourn to meet tomorrow morning at 9 o'clock.

On motion by Mr. Davis of Sullivan,

A call of the House was ordered.

When the following members answered to their names, to-wit :

Messrs. Abel, Adams, Ayres, Bethell, Blake, Bowman, Boyd, Brown, Carnahan, Clapp, Conner of Wabash, Crawford, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Duncan, Edson, Gordon, Hawkins, Hoagland, Humphreys, Kerr, Landiss, Larue, Mercer, Merrifield, Moore, McDaniel, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neal, Price, Reese, Reymann, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Sloss, Steele, Studabaker, Taggart, Trippet, Wagner, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Wright, and Mr. Speaker.—57.

On motion by Mr. Sherrod,  
The further call of the House was dispensed with.

When,

On motion,  
The House adjourned.

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2 o'clock, P. M.

House met.

The Speaker laid before the House the following communication from the Auditor of State :

HON. BALLARD SMITH,

*Speaker of the House of Representatives :*

SIR:—Please lay before the House of Representatives the following communication in reply to a resolution of the House of the 10th inst.

Very respectfully, your ob't servant,

H. E. TALBOTT, *Auditor of State.*

STATE AUDITOR'S OFFICE, }  
Indianapolis, January 19, 1857. }

Hon. B. SMITH,

*Speaker of the House of Representatives :*

SIR:—In reply to a resolution of the House of Representatives, adopted on the 10th instant, calling on the Governor, Auditor and Treasurer of State, for copies of all circulars or directions issued by them, or either of them, to swamp land commissioners, or either of them, and also to the treasurer of the different counties, in relation to swamp lands. I have to say that the only circulars of which I have any knowledge will be found in the Auditor's report of 1855, commencing at page 39, to which reference is respectfully made. It is proper to add, that when informed that contracts for ditching had been taken, and lands selected by the contractors to be taken in payment for the work, when done, I have instructed the county officers to withhold such lands from sale for the benefit of the contractor of these constructions. I have preserved no copy.

Respectfully submitted,

H. E. TALBOTT, *Auditor of State.*

Which,

On motion,

Was referred to the committee on swamp lands.

The Speaker laid before the House the following communication from the Auditor of State:

OFFICE OF AUDITOR OF STATE, }  
Indianapolis, January 19th, 1857. }

HON. BALLARD SMITH,

*Speaker of the House of Representatives :*

SIR:—I have the honor to enclose a reply to the resolution of the House of Representatives of the 13th inst., which you will lay before that body.

Very Respectfully,

Your obedient servant,

H. E. TALBOTT, *Auditor of State.*



OFFICE OF AUDITOR OF STATE, {  
Indianapolis, January 19, 1857. }

HON. BALLARD SMITH,

*Speaker of the House of Representatives :*

SIR :—I am in receipt of the following resolution of the House of Representatives, viz :

*Resolved*, That the Auditor of State be requested to inform this House, whether he has ordered lands given in as railroad stock, to be stricken from the duplicate in the counties in which the land lies; and if so, by what authority, and report at an early day.

In answer thereto, I inform the House that, upon examination of the existing law, and after consultation with eminent counsel, I issued a circular in 1855, instructing the several county auditors to strike from the duplicate all real estate assessed to, and belonging to, any railroad corporation within the State. My action was further based upon a decision of the Supreme Court, made in 1854, in the case of the State of Indiana *ex rel* John P. Dunn *vs.* John W. Hamilton, auditor of Marion county. The court in this case most positively and clearly declare, "the law no where authorizes the taxation of the real estate belonging to those companies in the counties where it lies." Recognizing the decision of the court as the supreme law of the State, it was my duty to enforce it accordingly.

Respectfully submitted,

H. E. TALBOTT,  
*Auditor of State.*

On motion by Mr. Williams of Knox,

The report was referred to the committee on ways and means.

The Speaker laid before the House the following communication from the Auditor of State :

OFFICE OF AUDITOR OF STATE, {  
Indianapolis, January 19, 1857. }

HON. BALLARD SMITH,

*Speaker of the House of Representatives :*

SIR :—I am in receipt of the following resolution of the House of Representatives, passed on the 13th inst. :

*Resolved*, That the Auditor of State furnish to this House a statement of the amount of money that has been paid in conformity with the 5th section of an act, entitled an act to provide for

the election of officers of the State Prison, and for the appraisement of the property at said prison; approved March 3d, 1855, and to whom paid since the passage of said act.

And in reply thereto, I have to state that on the 17th of July, 1855, a warrant for \$100, issued in favor of Leroy Woods, for services as chaplain to the State Prison, upon the certificate of his Excellency, Joseph A. Wright, as to the correctness of the account; since which time no account has been audited at this office, under the 5th section of the act aforesaid.

In am sir, very respectfully,

Your obedient servant,

H. E. TALBOTT,

*Auditor of State.*

Which,

On motion,

Was referred to the committee on State prison.

By unanimous consent,

Mr. Mercer introduced the following bill:

House bill No. 64. A bill to provide for the redemption of the circulation of the Gramercy bank and the Shawnee bank, by receiving the same for all dues to the State of Indiana.

Which was read a first time and passed to a second reading.

The Speaker laid before the House the following communication and report from the Secretary of State:

OFFICE OF SECRETARY OF STATE, }  
INDIANAPOLIS, January 17th, 1857. }

Hon. BALLARD SMITH,

*Speaker of the House of Representatives:*

SIR:—In answer to the following resolution of the House of Representatives, passed on the 16th, to-wit:

*Resolved*, That the Auditor, Secretary, and Treasurer of State be required to furnish for the information of this House, a copy of the notice published for letting the present contract for furnishing the State with paper; a copy of the bids received therefor, and also a copy of the contract made in pursuance of the award of the Auditor, Secretary, and Treasurer of State, embracing the amount and contract price of each kind of paper respectively; also the samples, with the prices of each, upon which the contract was awarded, and the samples, with the prices furnished by the unsuccessful bidders with their names, together with an account of paper, &c., furnished under the contract, and the account therefor, certified and audited."

The undersigned respectfully begs leave to lay before the House the following papers in relation to the present contract for furnishing the State with paper, which are all the papers on file in my office in any way relative to said contract, to wit:

Copy of notice published in the Indiana State Journal, and State Sentinel, (dailies.)

Copy of the bond of Messrs. Sheets and Braden.

Letter of proposal from Messrs Sheets and Braden.

Letter of proposal from Messrs. Rhinehart, Brown, & Co.

Letter from Messrs Cameron and McNeely.

Seven samples, marked respectively, A, B, C, D, E, F, G, furnished in pursuance of the notice, by Rhinehart, Bowen, & Co.

Also, four samples furnished by Sheets and Braden, to whom the contract was to have been awarded upon the sample marked "accepted."

What amount, or whether any paper has been furnished under the contract, I am unable to report from any paper that appears in my office, no account having yet been certified.

No contract other than the bond, a copy of which is herewith furnished you, for the delivery of paper in pursuance of the afore-said notice, is on file in this office. I am informed that a small amount, some 58 bundles, were delivered to my predecessor, some of which has been furnished to the State printer.

Very respectfully,

DANIEL McCLURE,

*Secretary of State,*

Know all men by these present, that we, the undersigned, William Sheets and William Braden, are held and bound unto the State of Indiana in the sum of five thousand dollars, for the payment of which, we bind ourselves, our heirs, executors and administrators, firmly by these present, sealed with our seal and dated this 4th day of Dec., 1856.

The condition of this obligation is such, that if said Sheets shall deliver to the State one thousand five hundred reams of printing paper, as fast as the same may be needed for the public printing, according to contract this day made with the Auditor, Secretary, and Treasurer of State, then this obligation to be void, otherwise to remain in full force.

WM. SHEETS. [seal.]

WM. BRADEN, [seal.]

Approved Dec. 4th, 1856.

ERASMUS B. COLLINS, *Sec. of State.*

W. R. NOFSINGER, *Treas. of State.*

H. E. TALBOTT, *Auditor of State.*

## NOTICE.

Sealed proposals for furnishing the State of Indiana with ten hundred reams printing paper 25X38 (to weigh not less than 50 lbs. per ream) will be received at the office of the Secretary of State until 2 o'clock, Saturday, November 8th, 1856.

HIRAM E. TALBOTT, *Auditor of State.*

ERASMUS B. COLLINS, *Sec. of State.*

W. R. NOFSINGER, *Treas. of State.*

Oct. 22.—daily 3 weeks.

Which,

On motion by Mr. Davis of Sullivan,

Was referred to the same select committee heretofore appointed on that subject.

The Speaker laid before the House the following communication from the Auditor of State:

OFFICE OF AUDITOR OF STATE, }  
Indianapolis, Jan. 19, 1857. }

HON. BALLARD SMITH,

*Speaker of the House of Representatives :*

SIR:—I have the honor to transmit a reply to the resolution of the House of Representatives of the 15th inst., which you will please lay before that body.

I am sir, very respectfully,

Your obedient servant,

H. E. TALBOTT,

*Auditor of State.*

OFFICE OF AUDITOR OF STATE, }  
Indianapolis, Jan. 19th, 1857. }

HON. BALLARD SMITH,

*Speaker of the House of Representatives :*

SIR:—I am in receipt of the following resolution passed by the House of Representatives, on the 15th inst., viz :

*Resolved*, That the Auditor, Secretary and Treasurer of State be required to furnish, for the information of this House, a copy of the notice published for letting the present contract, for furnishing the State with papers, a copy of the bids received therefor, and, also, a copy of the contract made in pursuance of the award of the Auditor, Secretary and Treasurer of State, embracing the amount and contract price of each kind of paper, respectively; also the samples with the prices of the each, upon which the contract was awarded,

and the samples with the prices furnished by the unsuccessful bidders, with their names, together with an account of paper, &c., furnished under the contract, and the account therefor certified and audited.

And in reply thereto, I have the honor to state that no account has been presented or audited at this office for paper furnished under the contract aforesaid. There is no information on file in this office, in regard to the other enquiries contained in the resolution.

I have the honor to be,

Very respectfully, your o'bt serv't

H. E. TALBOTT,

*Auditor of State.*

By unanimous consent,

Mr. Hoagland offered the following resolution :

*Resolved*, That the Treasurer of State be, and is hereby requested, to report to this House without delay, as follows :

1st. The amount received from each county for swamp lands sold to this date.

2d. The amount paid out by him on account of draining and ditching such lands in each county.

3d. The amount now in the treasury applicable to the swamp land fund in each county.

Which was agreed to.

#### HOUSE JOINT RESOLUTIONS ON THIRD READING.

Joint resolution No. 4. Joint resolution on the subject of the tariff.

Was read a third time.

The question being shall the joint resolution pass ?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Ayres, Batterton, Bethell, Blake, Bowman, Boyd, Brown, Bryan, Carnahan, Clapp, Clark, Claypool, Colgrove, Conner of Hamilton, Conduitt, Crawford, Crowe, Cullen, Davis of Hendricks, Dobbins, Duncan, Edson, Evans, Gordon, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Hutchings, Kerr, Lane, Larue, Lewis, Marvin, Mercer, Merrifield, Modesitt, Moon, Moore, McDaniel, McDonald of Fountain, McDonald of Lake, McFarland, McKinney, Neal, Price, Reese, Reymann, Robbins, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Taggart, Todd, Trippet, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Lagrange, Williamson, Wright, and Mr. Speaker.—71.

*Those who voted in the negative were,*

Messrs. Davis of Sullivan, Denby, Schermerhorn, Sherrod, Shoulders, and Williams of Knox.—7.

So the joint resolution passed.

*Ordered,* That the clerk inform the Senate thereof.

On motion by Mr. Price,

House bill No. 26. A bill to amend the 8th section of an act providing for the election and prescribing certain duties of county surveyor; approved June 17th, 1852.

Was taken from the table, and read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Ayres, Bethell, Blake, Bowman, Bryan, Carnahan, Clark, Claypool, Colgrove, Connor of Hamilton, Conner of Wabash, Crawford, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Duncan, Edson, Evans, Harrison, Hawkins, Hayden, Herod, Humphreys, Lane, Larue, Lewis, Mercer, Merrifield, Modesitt, Moore, McDaniel, McDonald of Fountain, McDonald of Lake, McKinney, Neal, Price, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Taggart, Trippet, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, and Wright.—63.

*Those who voted in the negative were,*

Messrs. Brown, Clapp, Conduitt, Hoagland, Marvin, McFarl and McGinnis, Reese, Sloss, Studabaker, and Mr. Speaker.—11.

So the bill passed.

*Ordered,* That the clerk inform the Senate thereof.

The Speaker laid before the House the following communication from the Doorkeeper:

**MR. SPEAKER:**

In obedience to a resolution of the House, I submit the following report. I have employed nine assistants, whose names are as follows:

George Randall, John Bledsoe, James M. Emmons, James P. Tyler, Robert S. Boston, A. H. Neill, David W. Shook, Adison Elkins, and J. H. Homer.



All of whom are diligently employed, each man having a place assigned him.

Respectfully,  
SOLOMON AKERS,  
*Doorkeeper H. R.*

By unanimous consent,  
Mr. McGinnis offered the following resolution :

*Resolved*, That the committee on the judiciary be instructed to enquire whether the present statute authorizes the authorities of towns or cities to levy a corporation tax on its citizens' personal property, when said property is in the township but not in the corporation where said citizen resides, and report at their earliest convenience.

Which was agreed to.

Mr. McDonald of Lake offered the following resolution :

*Resolved*, That the committee on banks be instructed to report a bill to this House, providing for the proper appointment of free bank commissioners, and making all free banks liable for the debt of each, and general provisions for the security and safety of bankers as well as the people.

The question being on its adoption ?

The ayes and noes were demanded by Messrs. McDonald and Crawford.

*Those who voted in the affirmative were,*

Messrs. Carnahan, Clapp, Clark, Colgrove, Conner of Hamilton, Crawford, Davis of Hendricks, Denby, Dobbins, Edson, Hayden, Humphreys, Mercer, McDonald of Lake, McFarland, McKinney, Neal, Reyman, Ricketts, Schermerhorn, Shoulders, Slicer, Studabaker, Ward, Williamson, Wright, and Mr. Speaker.—27.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Allen, Ayres, Bethell, Blake, Bowman, Boyd, Brown, Bryan, Claypool, Conner of Wabash, Conduitt, Crowe, Cullen, Davis of Sullivan, Duncan, Evans, Gordon, Harrison, Hawkins, Herod, Hoagland, Hutchings, Larue, Lewis, Marvin, Merrifield, Modisett, Moon, Moore, McDaniel, McDonald of Fountain, McGinnis, Price, Robbins, Schermerhorn, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Todd, Trippet, Wagner, Whitcomb, Wiley, Williams of Knox, and Williams of Lagrange.—49.

So the resolution was not agreed to.

By unanimous consent,  
Mr. Herod offered the following resolution :

*Resolved*, That the committee on fees and salaries be instructed to enquire into the expediency of so amending and restricting the fees of the county treasurers and county auditors, so that no one shall receive over one thousand dollars for their services for each year.

Which,

On motion by Mr. Conner of Wabash,  
Was laid on the table.

By unanimous consent,  
Mr. Williams of Knox introduced.

House bill No. 65. A bill reorganizing and changing the boundaries of the third judicial circuit of this State, providing for the appointment and election of a prosecuting attorney therein, and fixing the time of holding the several circuit courts therein.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Studabaker introduced.

House bill Mo. 66. A bill for the investment and safe keeping of the school fund arising from the 114th section of an act establishing a State bank ; approved January 28, 1834.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Conduitt introduced,

House bill No. 67. A bill to amend the 13th section of an act, entitled an act to amend an act to authorize and regulate the business of general banking.

Which was read a first time, and passed to a second reading.

By unanimous consent,  
Mr. Marvin offered the following resolution:

*Resolved*, That the committee on banks be requested to enquire into the expediency of reporting a bill to this House to repeal all banking laws in this State, and to wind up all banks created by said laws, except the old State bank and branches.

Which was agreed to.

By unanimous consent,  
Mr. Boyd offered the following resolution :

*Resolved*, That the committee on county and township business be requested to enquire into the expediency of so changing the laws, as to take from the township trustees the power of assessing a tax for township and road purposes, and said powers be invested alone in hands of county commissioners; and that said board of township trustees be deprived of the power of granting or vacating roads and release from all obligations of settlements or payments now resting upon them, by any and every existing law, and said powers be conferred on, and said obligations be performed by, the board doing county business.

Which was agreed to.

By unanimous consent,  
Mr. Wright introduced,

House joint resolution No. 5. A joint resolution purposing certain amendments to the constitution of the State.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Robbins introduced,

House bill No. 68. A bill to amend section 136 of an act, entitled an act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State, to abolish distinct actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity; approved June 18th, 1852.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Hutchings offered the following resolution :

*Resolved*, That the committee on county and township business be instructed to enquire into the expediency of abolishing the office of township trustees, and of transferring their duties to county commissioners.

Which was agreed to.

By unanimous consent,  
Mr. Denby introduced,

House bill No. 69. A bill creating the ——— judicial circuit of the State of Indiana, fixing the time of holding circuit courts in the several counties thereof, providing for the prosecution of the pleas of the State therein, and the appointment and election of a judge for the same.

Which was read a first time and passed to a second reading.

On motion,  
The House adjourned.

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TUESDAY MORNING, 9 o'clock, {  
January 20, 1857. }

The House met.

The journal was read and adopted.

George W. Massey, the member elect from the county of Pike, appeared, produced his credentials, and was sworn into office by the Speaker.

The Speaker laid before the House the following communication from the Auditor of State:

HON. BALLARD SMITH,  
*Speaker of the House of Representatives:*

SIR:—Please lay before the House over which you preside, the following communication.

Very respectfully, your ob't serv't.

H. E. TALBOTT,  
*Auditor of State.*

STATE AUDITOR'S OFFICE, {  
Indianapolis, Jan. 20, 1857. }

HON. BALLARD SMITH,  
*Speaker of the House of Representatives:*

SIR:—The following preamble and resolution has been received, viz:

WHEREAS, The Auditor states that a large amount of the fund belonging to the swamp land fund, has been used for other purposes, therefore,

*Resolved*, That the Auditor inform the House to what other purpose said fund has been used, and at what time and by what authority said funds were used for other purposes.

In reply I can only say, that I suppose the fund was used principally for the payment of the interest on the public debt; that the application of the funds was made in 1853 and 1854, before I came into office; and that I am not aware of any express authority of law for the application, but suppose it was done by the advice of the State authorities, for the purpose of meeting the interest on our bonds, and thus preserving the honor and credit of the State.

I have the honor to be, very respectfully,  
Your obedient servant,  
H. E. TALBOTT,  
*Auditor of State.*

Which,  
On motion,  
Was referred to the committee on swamp lands.

**PETITIONS, MEMORIALS, REMONSTRANCES, ETC.**

By Mr. Grose,

A petition signed by D. M. Read, in relation to the practice of medicine and surgery.

Which,  
On motion,  
Was referred to the committee on medicine, &c.

On motion,  
Leave of absence was granted Mr. Davis of Sullivan,

By Mr. Branson,

A petition signed by J. W. Booth, in reference to recorders and their compensation.

Which,  
On motion,  
Was referred to a select committee of three, consisting of Messrs. Branson, Colgrove, and Bowman.

By Mr. Claypool,

A petition signed by R. N. Hudson and others, in reference to Auditors of counties subscribing for school journal.

Which,  
On motion,  
Was referred to the committee on education.

## REPORTS FROM COMMITTEES.

Mr. Marvin, from the committee on elections, made the following report :

MR. SPEAKER :

The committee on elections, to whom was referred House bill No. 49, a bill to amend an act, entitled "an act touching gaming contracts," approved June 11, 1852; have had the same under consideration, and have directed me to report the same back, and recommend that the bill be indefinitely postponed.

The question being on concurring in the report of the committee,

The ayes and noes were demanded by Messrs. Gordon and Smith of Bartholomew.

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Ballenger, Batterton, Bethell, Bowman, Boyd, Branham, Branson, Brown, Carnahan, Clark, Claypool, Conner of Hamilton, Conduitt, Crowe, Cullen, Davis of Hendricks, Denby, Dobbins, Douglass, Duncan, Early, Edson, Evans, Gordon, Harrison, Hayden, Herod, Hoagland, Kerr, Landiss, Lane, Lewis, Massey, Marvin, Mercer, Moon, Moore, McDaniel, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neff, Price, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Shuman, Slicer, Smith of Delaware, Stone, Trippet, Van Sandt, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Wright, Yater, and Mr. Speaker.

—69.

*Those who voted in the negative were,*

Messrs. Austin, Ayres, Blake, Bryan, Clapp, Colgrove, Conner of Wabash, Grose, Humphreys, Jefferis, Larue, Merrifield, McFarland, Neal, Sloss, Smith of Bartholomew, Steele, Stillwell, Studabaker, Taggart, and Wagner.—21.

So the report was concurred in.

Mr. Blake, from the committee on the judiciary; made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred resolution of the House, as to the expediency of abolishing the grand jury system, have had the same under consideration, and submit the following report :

H. J.—12.



The committee are of the opinion, that the grand jury system has some defects, but they are not satisfied that any other system can be originated which will as efficiently accomplish the purpose for which it is designed, as the present grand jury system; they, therefore, report against the expediency of abolishing the grand jury system.

Which,

On motion by Mr. Moore,

Was referred to a select committee of three, consisting of Messrs. Moore, Walpole, and Clark.

Mr. Conner of Wabash, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred a resolution instructing said committee to enquire into the expediency of so amending the criminal law, as to abolish capital punishment, and to report, by bill or otherwise, have had the same under consideration, and directed me to report the said resolution back to the House, recommending that the same be indefinitely postponed.

Which report was concurred in.

Mr. Conner of Wabash, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred so much of the Governor's message as refers to divorces, have had the subject under consideration, and have directed me to report the accompanying bill, and recommend its passage :

House bill No. 70. A bill to amend the 6th, 7th, 19th, and 20th sections of an act, entitled "an act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto;" approved May 13, 1852.

Which was read a first time, and passed to a second reading.

Mr. Blake, from the judiciary committee, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred resolution of the House, asking their opinion in reference to the expediency of amending the statute, so as to allow parties to testify as to their own book accounts, have had the same under consideration, and

direct me to report, that they consider it inexpedient to make such a change in the laws governing the admission of testimony in such cases, and recommend its indefinite postponement.

Which report was concurred in.

Mr. Lane, chairman of the committee on education, made the following report:

MR. SPEAKER:

The committee on education, to whom was referred a resolution of this House, "to enquire into the expediency of so amending our school law, that there may be an equal distribution of the school fund of each township, among the scholars in their respective districts," direct me to report, that the law, as it now stands, is equitable and just, on that subject, and that no further legislation is required, and ask to be discharged from the further consideration of the same.

Which was concurred in.

Mr. Crowe, from the committee on education, made the following report:

MR. SPEAKER:

The committee on education, to whom was referred a resolution of the House, instructing them "to enquire into the expediency of so amending the constitution of Indiana, as to abolish the office of State Superintendent of Public Instruction," have had the same under consideration, and have directed me to report, that, in the opinion of said committee, it is inexpedient to legislate upon the subject.

Which was concurred in.

Mr. Gordon, from the committee on education, made the following report:

MR. SPEAKER:

The committee on education, to whom was referred resolution instructing said committee "to enquire into the expediency of so amending section 144 of the school law, as to require the voters of each township to elect a school librarian for the term of two years," have had the same under consideration, and have instructed me to report, that, in their opinion, such amendment is not expedient, and that the said resolution be indefinitely postponed.

Which report was concurred in.

Mr. Lane, chairman of the committee on education, made the following report:

**MR. SPEAKER :**

The committee on education, to whom was referred House bill, No. 53, direct me to report, that they have examined the same, and recommend that said bill be indefinitely postponed.

Which report was concurred in.

Mr. Wagner, from the committee on education, made the following report:

**MR. SPEAKER :**

The committee on education, to whom was referred the resolution asking the amendment of 49th section of the school law of 1855, so as to allow the acknowledgment of an assignment of school certificates to be taken, by any officer competent to take acknowledgments, have had the same under consideration, and have directed me to report the same back to the House, and in their opinion it is not expedient, and ask to be discharged from the further consideration of the same.

Which report was concurred in.

#### RESOLUTIONS.

Mr. Stone offered the following preamble and resolution :

**WHEREAS**, The failure of the Gramercy and Shawnee Banks will probably result in great loss to community, and especially to bill holders, and whereas, recent developments indicate a real discharge of the duties of the Auditor of State as a cause in bringing about that result, therefore,

*Resolved*, That the committee on the judiciary be instructed to enquire into the possibility and expediency of so amending the law, or of making a new law, that will throw such protection and securities around the discharge of the duties of said office, as will prevent any recurrence of like fraud.

Which was agreed to.

On motion by Mr. Moore,

*Resolved*, That the committee on public expenditures be instructed to enquire into the expediency of abolishing the office of State Agent, with leave to report by bill or otherwise.

On motion by Mr. Wright,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of changing the law in relation to weights

and measures, or so much of it, as relates to *flax-seed*—the words *fifty-six* lbs. should be sixty lbs., and report by bill or otherwise.

On motion by Mr. Grose,

*Resolved*, That the committee on fees and salaries be instructed to enquire into the expediency of the passage of an act allowing a lien in favor of recorders, upon lands for recording deeds.

On motion by Mr. Batterton,

*Resolved*, That the committee on agriculture, be instructed to enquire into the expediency of so amending the act for the encouragement of agriculture, as will constitute the State Board of the Presidents of county agricultural societies.

Mr. Denby offered the following resolution :

*Resolved*, That the committee on ways and means be instructed to insert a provision in any assessment bill that they may report, allowing township assessors two dollars per day for the time that they are employed in the duties of their office. Also, a provision allowing members of the county boards of equalization, three dollars for each day they shall be employed in the discharge of their duties.

Which,

On motion by Mr. Conduitt,  
Was laid on the table.

On motion by Mr. Neal,

*Resolved*, That the committee on ways and means be instructed to enquire into the expediency of so amending the law relative to the bond of State Auditor, as to require him to give bond sufficiently large to indemnify the State against any loss from negligence, or any other improper cause, and that they report by bill or otherwise.

#### BILLS INTRODUCED.

By Mr. Dobbins,

House bill No. 71. A bill to change and fix the times for holding the several circuit courts in the third judicial circuit.

Was read a first time, and passed to a second reading.

By Mr. Ward,

House bill No. 72. A bill providing for appropriations by the county commissioners, for fire engines in certain cases.

Which was read a first time and passed to a second reading.

By Mr. Reese,

House bill No. 73. A bill authorizing the Treasurer and Auditor of State to settle with and credit Henry R. Rowen with certain sums of money deposited in the Wabash Valley bank, as also checks drawn on the same.

Which was read a first time, and passed to a second reading.

By Mr. Humphreys,

House bill No. 74. A bill to amend sections fifteen and eighteen of an act, entitled "an act to provide for the opening, vacating, and change of highways;" approved June 17, 1852, and to repeal so much of said act, as gives jurisdiction over highways to township trustees.

Which was read a first time, and passed to a second reading.

By Mr. Colgrove,

House bill No. 75. A bill to amend the 23d section of an act entitled an act concerning trespassing animals and partition fences.

Which was read a first time, and passed to a second reading.

Mr. Denby introduced,

House bill No. 76. A bill to authorize the board of county commissioners to allow a compensation to circuit judges, or other persons duly authorized, for holding adjourned or special sessions of their courts.

Which was read a first time, and passed to a second reading.

Mr. Kerr introduced,

House bill No. 77. A bill to amend the first section of an act, entitled an act to incorporate the Cannellton paper mill," approved February 18th, 1848, so as to give power to manufacture other articles, and changing the names of the corporators.

Which was read a first time, and passed to a second reading.

By Mr. Todd,

House bill No. 78. A bill to provide for the sale of the lot on which the Treasurer's office is situated, and for the application of the proceeds to the erection of offices, for the use of the State officers, and to provide for the erection of the same.

Which was read a first time, and passed to a second reading.

By unanimous consent,

Mr. McDonald offered the following resolution :

*Resolved*, That the committee on banks be instructed to report an amendment to the free bank law, making it a penitentiary offence for any officers of State to violate the law regulating his duties in relation to free banks.

Which was agreed to.

Mr. Gordon introduced,

House bill No. 79. A bill prescribing the mode under which foreign insurance companies shall transact business in this State, and subjecting them to taxation.

Which was read a first time, and passed to a second reading.

#### HOUSE BILLS ON SECOND READING.

No. 55. A bill to prevent the circulation of an unauthorized paper currency.

Was read a second time,

And,

On motion by Mr. Moore,

Referred to the committee on banks.

No. 56. A bill to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act.

Was read a second time.

And,

On motion by Mr. Dobbins,

Was laid on the table.

No. 57. A bill to legalize the acknowledgment of all deeds, mortgages, and other instruments required to be recorded, taken and certified by justices of the peace, to whom commissions have been regularly issued by mistake, before the expiration of the term of office of their predecessors.

Was read a second time,

And,

On motion by Mr. Shoulders,

Referred to the committee on the judiciary.

No. 58. A bill fixing the salary of prosecuting attorneys of the several judicial districts, and repealing all laws inconsistent with the provisions of this act.

Was read a second time.

Mr. Lane moved to commit the bill to the judiciary committee, with the following instructions: That said act shall not take effect until after the expiration of the term of service of the present prosecuting attorneys.

Which motion prevailed, and said bill and instructions so referred.



No. 59. A bill legalizing the acknowledgments of all deeds, mortgages, and other instruments, required to be recorded, taken and certified by clerks of the circuit courts of this State, after the reception of the revised statutes of 1852, in their respective courts.

Was read a second time, and ordered to be engrossed.

No. 60. A bill to amend the 5th sec. of an act, entitled "an act providing for an organization of circuit courts, the election of judges thereof, and defining their powers and duties."

Was read a second time,

And,

On motion by Mr. Moore,

Was referred to the committee on the judiciary.

No. 61. A bill to amend an act, entitled "an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant, and to add an additional section thereto;" approved May 9, 1852.

Was read a second time,

And,

On motion by Mr. Williams of Knox,

Was referred to the committee on swamp lands.

No. 62. A bill to amend section (9) nine of an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties, in civil cases; approved June 9, 1852; and to extend their jurisdiction.

Was read a second time,

And,

On motion by Mr. Moore,

Referred to the committee on county and township business.

No. 63. A bill to amend sec. 5 of an act, entitled "an act prescribing the powers and duties of justices of the peace in State prosecutions;" approved May 29, 1852.

Was read a second time,

And,

On motion by Mr. Moore,

Referred to the committee on county and township business.

No. 64. A bill to provide for the redemption of the circulation of the Gramercy bank and Shawnee bank, by receiving the same for all dues to the State of Indiana.

Was read a second time,

And,

On motion by Mr. Humphreys,

Laid on the table.

No. 65. A bill re-organizing and changing the boundaries of the third judicial circuit of this State, providing for the appointment and election of a prosecuting attorney therein, and fixing the times for holding the several circuit courts therein.

Was read a second time,

And,

On motion by Mr. Humphreys,

Referred to the committee on the organization of courts.

No. 66. A bill for the investment and safe keeping of the school fund arising from the 114th section of an act establishing a State bank; approved January 28th, 1854.

Was read a second time,

And,

On motion by Mr. Studabaker,

Referred to a select committee of five.

Messrs. Studabaker, Humphreys, McDonald of Lake, Crowe, and Colgrove, were appointed said committee.

No. 67. A bill to amend the 12th section of an act, entitled an act to amend an act to authorize and regulate the business of general banking.

Was read a second time,

And,

On motion by Mr. Conduitt,

Referred to the committee on the judiciary.

No. 68. A bill to amend section 146 of an act, entitled an act to revise, simplify, and abridge, the rules, practice, pleadings, and forms in civil cases in the courts of this State; to abolish distinct actions at law, and provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity; approved June 18, 1852.

Was read a second time,

And,

On motion by Mr. Moore,

Referred to the committee on the judiciary.

No. 69. A bill creating the ——— judicial circuit of the State of Indiana, fixing the times of holding circuit courts in the several counties thereof, providing for the prosecution of the pleas of the State therein, and the appointment and election of a judge for the same.

Was read a second time,

And,

On motion by Mr. Denby,

Referred to the committee on the organization of courts.

## HOUSE JOINT RESOLUTIONS ON SECOND READING.

No. 5. A joint resolution proposing certain amendments to the constitution of the State.

Was read a second time.

Mr. Dobbins moved to indefinitely postpone the joint resolution.

The ayes and noes were demanded by Messrs. Wright and Larue.

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Ayres, Bethel, Blake, Bowman, Branson, Brown, Bryan, Carnahan, Clark, Claypool, Conduitt, Crawford, Crowe, Cullen, Denby, Dobbins, Douglass, Duncan, Early, Edson, Gordon, Harrison, Herod, Hoagland, Humphreys, Kerr, Landiss, Lane, Lewis, Massey, Marvin, Modesitt, Moore, McDaniel, McDonald of Fountain, McDonald of Lake, McFarland, McGinnis, McKinney, Neff, Reese, Reyman, Robbins, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Steele, Stillwell, Stone, Studabaker, Taggart, Trippet, Wallace, Walpole, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker—62.

*Those who voted in the negative were,*

Messrs. Austin, Ballenger, Boyd, Branham, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Davis of Hendricks, Evans, Grose, Hawkins, Hayden, Hutchings, Jefferis, Larue, Mercer, Merrifield, Moon, Neal, Price, Schermerhorn, Shuman, Sloss, Smith of Delaware, Todd, Van Sandt, Wagner, Ward, Whitcomb, and Wright—31.

So the joint resolution was indefinitely postponed.

Mr. Steele, by unanimous consent, offered the following resolution :

*Resolved,* That the committee on corporation be requested to enquire into the propriety of reporting a bill for the winding up and liquidation of all railroad and other companies that have abandoned their enterprizes; making a pro rata assessment on all stocks subscribed in sufficient amount to pay all just debts, and that no more shall be collected from the subscribers of stock than will answer the above purpose.

Which was agreed to.

A message from the Senate, by Mr. Harvey, their Secretary.

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills

thereof, in which the concurrence of the House is respectfully requested, viz :

Senate Bill, No. 9. A bill defining embezzlement, and prescribing punishment therefor.

Also,

Senate Bill, No. 16. A bill providing for the taxation of costs in cases where lands are attached by process from the circuit courts and courts of common pleas, when the claim is less than fifty dollars.

Also,

Senate Bill, No. 22. A bill to amend the 143d section of an act to provide for the valuation and appraisement of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the treasurer and auditor of State; approved June 21, 1852.

Senate Bills, No. 9, 16, and 22, contained in the foregoing message, were each read a first time, and passed to a second reading.

On motion,  
The House adjourned.

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2 O'CLOCK, P. M.

The House met.

By unanimous consent,  
Mr. Walpole introduced,

No. 80. A bill prescribing punishment for running railroad trains or locomotives across other railways without stopping, and to punish carelessness and accidents in crossing.

Which was read a first time and passed to a second reading.

On motion,  
Leave of absence was granted to Mr. Adams.

By unanimous consent,  
Mr. Wallace offered the following resolution :

*Resolved*, That the committee on the organization of courts be requested to enquire into the propriety of increasing the size of judicial circuits, both circuit and common pleas courts, so as to require judges in both courts to be employed upon the bench, at least nine months in the year, and also an increase of salary in case of an extension of judicial circuits and duties.

Which was agreed to.

By unanimous consent,  
Mr. Walpole offered the following resolution :

*Resolved*, That the committee on the judiciary be instructed to report to this House, a bill providing for the abrogation of courts of common pleas, and transferring the jurisdiction of such courts to the circuit courts.

Which,  
On motion,  
Was laid upon the table.

By unanimous consent,  
Mr. Smith introduced,

House bill No. 81. A bill to amend an act, entitled an act defining misdemeanors and prescribing punishment therefor; approved June 14, 1852.

Which was read a first time, and passed to a second reading.

By unanimous consent,  
Mr. Abel offered the following resolution :

*Resolved*, That the committee on temperance be instructed to report by bill or otherwise, a law to prevent the selling of liquor to minors under all circumstances.

Which was agreed to.

By unanimous consent,  
Mr. McDaniel offered the following resolution :

*Resolved*, That the committee on roads be requested to examine into the expediency of so amending the 31st section of an act, providing for the election and appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto, so as to extend the time for

labor on the highway from the 15th of September to the 1st of November of each year.

Which was agreed to.

On motion by Mr. Larue,  
The House adjourned.

WEDNESDAY MORNING, 9 o'clock, }  
January 21, 1857. }

The House met.

The journal was read and approved.

The Speaker laid before the House the following communication and report from the Treasurer of State :

OFFICE OF TREASURER OF STATE, }  
Indianapolis, January 20th, 1857. }

HON. BALLARD SMITH,

*Speaker of the House of Representatives :*

SIR:—I am in receipt of the following resolution, adopted by the House on the 19th inst., to-wit :

“ *Resolved*, That the Treasurer of State be, and is hereby requested to report to this House without delay, as follows, to-wit :

“ *First*. The amount received from each county for swamp lands sold to this date.

“ *Second*. The amount paid out by him on account of drainage and ditching such lands in each county.

“ *Third*. The amount now in the treasury applicable to the swamp land fund in each county.”

The following is a statement of the amounts received and paid to the several counties having swamp lands, to-wit :

Madison County--

Received .....	\$2,170 58
Paid .....	1,860 90



Porter County—		
Received .....		\$42,429 04
Paid .....		28,326 14
Pulaski County—		
Received .....		\$86,288 59
Paid .....		76,586 57
Tipton County—		
Received .....		\$11,086 07
Paid .....		11,495 23
White County—		
Received .....		\$59,997 76
Paid .....		38,801 88
Morgan County—		
Received .....		\$2,873 78
Paid .....		2,831 86
Howard County—		
Received .....		\$1,936 56
Paid .....		2,286 41
Wabash County—		
Received .....		\$134 50
Decatur County—		
Received .....		\$1,602 00
Paid .....		55 02
Steuben County—		
Received .....		\$10,196 93
Paid .....		5,884 23
Huntington County—		
Received .....		\$333 30
Paid .....		19 19
Allen County—		
Received .....		\$14,988 00
Paid .....		10,969 31
Benton County—		
Received .....		\$1,705 00
Paid .....		1,436 50
Grant County—		
Received .....		\$7,966 00
Paid .....		3,386 83
Clay County—		
Received .....		\$7,454 59
Paid .....		7,025 30
Monroe County—		
Received .....		\$2,127 95
Paid .....		1,229 97

Hancock County—		
Received .....		\$100 00
Paid .....		29 75
Parke County—		
Received .....		\$537 90
Paid .....		30 00
Clinton County—		
Received .....		\$1,528 74
Paid .....		1,212 41
Adams County—		
Received .....		\$1,880 65
Paid .....		970 31
Jay County—		
Received .....		\$1,984 64
Paid .....		975 31
Fulton County—		
Received .....		\$25,428 13
Paid .....		26,139 48
Ripley County—		
Received .....		\$488 00
Paid .....		19 76
Marion County—		
Received .....		\$183 47
Paid .....		25 42
Greene County—		
Received .....		\$23,403 01
Paid .....		19,310 58
St. Joseph County—		
Received .....		\$37,030 82
Paid .....		29,763 02
Spencer County—		
Received .....		\$6,830 17
Paid .....		4,951 20
DeKalb County—		
Received .....		\$8,933 17
Paid .....		6,762 46
Delaware County—		
Received .....		\$246 40
Paid .....		130 89
Elkhart County—		
Received .....		\$6,696 75
Paid .....		6,584 14

## Whitley County—

Received .....	\$5,299 18
Paid .....	4,882 07

## Scott County—

Received .....	\$2,178 29
Paid .....	852 84

## Jackson County—

Received .....	\$19,695 98
Paid .....	14,977 32

## Jennings County—

Received .....	\$804 23
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## Jasper County—

Received .....	\$76,546 18
Paid .....	68,636 58

## Boone County—

Received .....	\$5,796 00
Paid .....	5,352 32

## Wells County—

Received .....	\$2,179 73
Paid .....	1,166 69

## Laporte County—

Received .....	\$96,484 91
Paid .....	87,526 01

## Knox County—

Received .....	\$8,859 63
Paid .....	2,338 80

## Marshall County—

Received .....	\$43,196 20
Paid .....	37,228 83

## Brown County—

Received .....	\$2,378 78
Paid .....	2,417 66

## Daviess County—

Received .....	\$25,421 03
Paid .....	9,548 70

## Montgomery County—

Received .....	\$148 60
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## Perry County—

Received .....	\$411 80
Paid .....	126 86

## Bartholomew County—

Received .....	\$530 92
Paid .....	356 76

<b>Cass County—</b>		
Received .....	\$5,725	62
Paid .....	4,923	48
<b>Sullivan County—</b>		
Received .....	\$3,889	36
Paid .....	2,049	92
<b>Washington County—</b>		
Received .....	\$3,691	43
Paid .....	2,117	81
<b>Pike County—</b>		
Received .....	\$12,214	91
Paid .....	10,367	67
<b>Lagrange County—</b>		
Received .....	\$8,607	98
Paid .....	7,781	97
<b>Vigo County—</b>		
Received .....	\$1,610	58
Paid .....	329	67
<b>Starke County—</b>		
Received .....	\$66,249	48
Paid .....	62,505	56
<b>Lawrence County—</b>		
Received .....	\$550	00
Paid .....	70	50
<b>Gibson County—</b>		
Received .....	\$20,117	75
Paid .....	15,286	33
<b>Warrick County—</b>		
Received .....	\$5,680	76
Paid .....	1,334	21
<b>Dubois County—</b>		
Received .....	\$11,365	22
Paid .....	8,943	39
<b>Blackford County—</b>		
Received .....	\$1,433	07
Paid .....	1,347	33
<b>Kosciusko County—</b>		
Received .....	\$20,237	90
Paid .....	15,179	61
<b>Posey County—</b>		
Received .....	\$2,494	17
Paid .....	1,551	61

**Martin County—**

Received .....	\$1,149 00
Paid .....	1,249 44

**Lake County—**

Received .....	\$69,851 45
Paid .....	44,590 34

**Noble County—**

Received .....	\$8,980 50
Paid .....	7,634 74

**Orange County—**

Received .....	\$300 00
Paid .....	74 45

**Owen County—**

Received .....	\$608 88
Paid .....	15 00

**Fountain County—**

Received .....	\$396 45
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Several counties are entitled to credits for lands sold by the general government, but the undersigned has no means in his office by which to ascertain the amount. Besides, the expenses of the fund have never been charged to the counties, and consequently, true balances cannot be struck. It is estimated that the expenses will be about 10 per cent. But I learn at the Auditor's office, that the accurate amounts which belong to the counties, and the expenses of the fund cannot be ascertained, until the account is closed up with the general land office.

When the State revenue comes in the spring, the treasury will be able, without embarrassment, to refund one half of the balances due the counties, if the collections are as good as usual.

Very respectfully,

W. R. NOFSINGER,  
*Treasurer of State.*

Which,

On motion,

Was referred to the committee on swamp lands.

PETITIONS, MEMORIALS, &C. PRESENTED.

By Mr. Stone,

The petition of Dr. J. W. Mapes and others, on the subject of medicine and surgery.

Which,

On motion,

Was referred to the same select committee heretofore appointed.

By Mr. Brown,

The petition of J. W. Bennett and others, relative to the practice of medicine and surgery.

Which,

On motion,

Was referred to the same select committee heretofore appointed on that subject.

By Mr. Moore,

The petition of John P. Nees, and many others, relative to the calamities of O'Brient McNamer, a resident of Owen county.

Which,

On motion,

Was referred to the committee on county and township business.

#### REPORTS FROM COMMITTEES.

Mr. Larue, from the committee on ways and means, made the following report:

**MR. SPEAKER:**

The committee on ways and means, to whom was referred House bill No. 33, an act to amend the ninety-fourth and ninety-fifth sections of an act, entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana," &c., &c., have had the same under consideration, and instruct me to report it back, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Larue, from the committee on ways and means, made the following report:

**MR. SPEAKER:**

The committee on ways and means, to whom was referred a resolution of the House, instructing them to enquire into the expediency of so amending the law relative to the bond of the State auditor, as to require him to give bond sufficiently large to indemnify the State against loss from negligence, or any other improper use, have had the same under consideration, and direct me to report the resolution back to the House, and recommend that it be laid upon the table.

Which report was concurred in.

Mr. Claypool, from the committee on the judiciary, made the following report:



**MR. SPEAKER:**

The judiciary committee, to whom was referred a resolution of enquiry into the expediency of so amending the laws exempting \$300 worth of property from execution, except in case of widows, as to exempt from execution only \$200 worth of property, have had the same under consideration, and have instructed me to report to the House, that, in their opinion, any change or amendment of the present law is at this time inexpedient.

Which report was concurred in.

Mr. Kerr, from the committee on the judiciary, made the following report:

**MR. SPEAKER:**

The judiciary committee, to whom was referred House bill No. 38, entitled "an act to amend an act, entitled 'an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers, and duties in civil causes,'" approved June 9, 1852, have had the same under consideration, and directed me to report the same back to the House, recommending its indefinite postponement. The committee consider it inexpedient to increase the jurisdiction of justices of the peace.

Which report was concurred in.

Mr. Claypool, from the committee on the judiciary, made the following report:

**MR. SPEAKER:**

The judiciary committee, to whom was referred House bill No. 39, entitled a bill for the better protection of landlords, and to facilitate the renting of lands to tenants, have had the same under consideration, and directed me to report the same back to the House, recommending its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Carnahan, chairman of the committee on claims, made the following report:

**MR. SPEAKER:**

The committee, to whom was referred the claim of Benjamin P. Fuller, for the apprehension and lodging in jail of Ira Watts charged with murder, who had fled the State, said Watts having since been tried and sent to prison for life, have had the same under consideration, and directed me to report it back, and ask that

the sum of one hundred dollars be allowed in the bill of specific appropriations for his benefit.

Which,

On motion,

Was referred to the committee on ways and means.

Mr. Williamson, chairman of the committee on agriculture, made the following report:

**MR. SPEAKER:**

The committee on agriculture, to whom was referred House bill No. 50, have had the same under consideration, and direct me to report, that the present law is sufficient, and that no further legislation is necessary on the subject.

Which report was concurred in, and the bill indefinitely postponed.

Mr. McFarland, chairman of the committee on corporations, made the following report:

**MR. SPEAKER:**

The committee on corporations, to whom was referred House bill No. 5, an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved June 11th, 1852, and supplemental thereto, have had the same under consideration, and directed me to report the same back, and recommend its passage.

Which was concurred in, and the bill ordered to be engrossed.

Mr. McFarland, chairman of the committee on corporations, made the following report:

**MR. SPEAKER:**

The committee on corporations, to whom was referred House bill No. 9, a bill to amend section 22 of an act, entitled an act for the incorporation of insurance companies, defining their powers and prescribing their duties, have had the same under consideration, and have directed me to report the same back, with the following amendment:

Strike out "ten," and insert "twenty-five" per cent. per annum, and when so amended, recommend its passage.

Which report was concurred in.

Mr. Bethell, from the committee on corporations, made the following report:

**MR. SPEAKER:**

The committee on corporations, to whom was referred House

bill No. 24, an act, entitled "an act touching the laying out and vacating towns, streets, alleys, public squares and grounds, or any part thereof, the making out and recording of plats of such towns, and providing for the changing of the names of such towns," approved May 20, 1852, have had the same under consideration, and have directed me to report the same back, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Conner of Wabash, from the committee on corporations, made the following report :

**MR. SPEAKER :**

The committee on corporations, to whom was referred House bill No. 11, have had the same under consideration, and have directed me to report the same back to the House, and recommend that the same be indefinitely postponed, as the committee deem any further legislation upon the subject inexpedient.

The question being on concurring in the report,

It was not agreed to.

The bill was then ordered to be engrossed.

#### RESOLUTIONS.

On motion by Mr. McKinney,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of so amending sec. 1 of chap. 2, of the revised statutes, as to vest the sole power of appointing the trustees of the several benevolent institutions of this city, in his Excellency, the Governor.

On motion by Mr. Ricketts,

*Resolved*, That a committee of three be appointed, whose duty it shall be to proceed at once to the Auditor's office, and ascertain the amount of notes issued by each of the free banks of this State, and also the amount and value of bonds deposited for their security, and report to this House immediately thereafter.

Messrs. Ricketts, Stillwell, and Steele, were, by the Speaker, appointed said committee.

On motion by Mr. Conner of Wabash,

*Resolved*, That a select committee of five be appointed by the Speaker of this House, whose duty it shall be to enquire into and ascertain, and report to this House the number of persons employed

by authority of this House, or otherwise engaged in the service of this House, or in the service of any of the committees thereof, as clerks, assistant clerks, sergeant-at-arms, assistant doorkeepers and assistant messengers or otherwise. Also, the kind of service rendered by each, and whether the service of any such person or persons may be dispensed with, consistent with the proper transaction of the business of this House.

Messrs. Conner of Wabash, Humphreys, Crowe, Blake, and Gordon were appointed said committee by the Speaker.

On motion by Mr. Harrison,

*Resolved*, That the committee on apportionment enquire into the expediency of reducing the number of senators and representatives among the several counties of this State for thirty senators and seventy representatives, and report by bill or otherwise.

On motion by Mr. Branson,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of reporting a bill in relation to marks and brands of live stock, and recording the same, declaring the value or effect of such records, and also the fees for recording.

On motion by Mr. Reyman,

*Resolved*, That the committee on banks be directed to enquire into, and report upon the expediency of so amending the laws of this State, as to prohibit the circulation therein of any foreign bill or bank note of a less denomination than ten dollars.

On motion by Mr. Denby,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of providing by law for the rights of married women, when deserted by their husbands, or when their husbands have been confined in the State prison.

On motion by Mr. Hutchings,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of making an ink scroll a sufficient seal to all instruments of writing when a seal is required or used, and that they report thereon by bill or otherwise.

On motion by Mr. Neal,

*Resolved*, That the committee on ways and means be instructed to enquire into the expediency of so amending the law relative to the official bond of the Treasurer of State, as to require him to give bond sufficiently large to indemnify the State against any loss or damage on account of negligence or improper disposition of the funds of the State, and that they report by bill or otherwise.

On motion by Mr. Cullen,

*Resolved*, That the committee on the organization of courts be instructed to enquire into the expediency of reducing the number of districts, and increasing the salaries of the judges of the courts of common pleas.

On motion by Mr. Van Sandt,

*Resolved*, That the committee on county and township business be requested to enquire into the expediency of so amending the law regulating township boards; as to dispense with the treasurer and clerk of said board, and report by bill or otherwise.

Mr. Conner of Wabash offered the following resolution :

*Resolved*, That the committee on ways and means be instructed to prepare and report a bill to this House, providing for the assessment and taxation of all real estate owned by any railroad company or other corporations in the county where the same may be situated.

Which,

On motion by Mr. Conner of Wabash,  
Was laid on the table.

Mr. McFarland offered the following resolution :

*Resolved*, That the Doorkeeper be authorized to contract with the proprietor of the Weekly Expositor, for three copies of said paper, two of which shall be stamped ready for mailing, the others without stamps, to be laid upon the desk, and for the use of each member of this House.

Which was not agreed to.

#### BILLS INTRODUCED.

Mr. Marvin introduced,

House bill No. 82. A bill to repeal an act, entitled "an act to amend an act to authorize the business of general banking, passed March 3, 1855, and the act to which the same was an amendment," approved May 28, 1852.

Which was read a first time, and passed to a second reading.

Mr. Trippet introduced,

House bill No. 83. A bill to more particularly define the boundary line between the counties of Gibson and Warrick.

Which was read a first time, and passed to a second reading.

Mr. McFarland introduced,

House bill No. 84. A bill to amend the 31st sec. of an act, entitled an act for the incorporation of towns, defining their powers and declaring their duties.

Which was read a first time, and passed to a second reading.

Mr. Lane introduced,

House bill No. 85. A bill to amend the 6th section of an act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto, passed and approved May 13, 1852.

Which was read a first time, and passed to a second reading.

Mr. Gordon introduced,

House bill No. 86. A bill to repeal an act, entitled "an act to empower railroad companies to receive lands, lots, and other property, in subscription of stock," approved Jan. 20, 1852.

Which was read a first time, and passed to a second reading.

#### ORDERS OF THE DAY.

#### *House Bills on Second Reading.*

No. 70. A bill to amend the 6th, 7th, 9th, and 20th sections of an act, entitled an act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto, approved May 13, 1852.

Was read a second time.

Mr. Claypool submitted the following amendment:

Provided, that in no case where the defendant has not been served with personal service by summons or otherwise, shall a divorce be decreed, unless the petitioner shall have been a resident of the State two years, and of the county in which his petition is filed, six months.

Mr. McDonald of Lake moved to lay the amendment on the table.

The ayes and noes were demanded by Messrs. McDonald and Grose.

*Those who voted in the affirmative were,*

Messrs. Adams, Ayres, Bethell, Blake, Boyd, Clapp, Clark, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Crowe, Douglass, Duncan, Early, Evans, Gordon, Harrison, Hayden,



Hoagland, Jefferis, Kerr, Landiss, Larue, Lewis, Massey, Merri-field, Moon, Moore, McDaniel, McDonald of Lake, McKinney, Neff, Reese, Reyman, Ricketts, Sherrod, Slicer, Smith of Bartholomew, Steele, Stillwell, Stone, Van Sandt, Walpole, Williams of Knox, Williamson, Wright, and Yater—47.

*Those who voted in the negative were,*

Messrs. Abel, Allen, Austin, Ballenger, Branham, Branson, Brown, Bryan, Carnahan, Claypool, Conduitt, Cullen, Davis of Hendricks, Denby, Dobbins, Edson, Grose, Hawkins, Herod, Humphreys, Hutchings, Lanc, Marvin, Mercer, Modesitt, McDonald of Fountain, McFarland, McGinnis, Neal, Price, Robbins, Schermerhorn, Shoulders, Shuman, Sloss, Smith of Delaware, Taggart, Todd, Trippet, Vawter, Wagner, Ward, Whitcomb, Wiley, Williams of Lagrange, and Mr. Speaker—46.

So the amendment was laid on the table.

The bill was then ordered to be engrossed.

On motion by Mr. McFarland,

The vote rejecting the resolution relative to authorizing the Doorkeeper to take three copies of the "Weekly Expositor," two of which shall be stamped &c., (this morning.)

Was reconsidered.

Mr. Colgrove submitted the following amendment,

That the members take them at their own expense.

Which was not agreed to.

Mr. Neal moved to lay the resolution on the table.

Which was not agreed to.

The question being on the adoption of the resolution,

The ayes and noes were demanded by Messrs. Robbins and Moore.

*Those who voted in the affirmative were,*

Messrs. Ballenger, Blake, Clapp, Crawford, Cullen, Davis of Hendricks, Denby, Dobbins, Early, Edson, Gordon, Grose, Hawkins, Humphreys, Hutchings, Jefferis, Larue, Moon, McDaniel, McDonald of Fountain, McDonald of Lake, McFarland, McGinnis, Neff, Ricketts, Sherrod, Shuman, Stillwell, Stone, Studabaker, Todd, Vawter, Wagner, Walpole, Ward, and Mr. Speaker—36.

*Those who voted in the negative were,*

Messrs. Able, Adams, Allen, Austin, Ayres, Bethell, Boyd, Branham, Branson, Brown, Carnahan, Clark, Claypool, Colgrove,

Conner of Hamilton, Conner of Wabash, Crowe, Douglass, Duncan, Evans, Harrison, Hayden, Herod, Hoagland, Kerr, Landiss, Lane, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moore, McKinney, Neal, Price, Reese, Reyman, Robbins, Shoulders, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Taggart, Trippet, Van Sandt, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Wright, and Yater—56.

So the resolution was not agreed to.

No. 71. A bill to change and fix the times for holding the several circuit courts in the third judicial circuit.

Was read a second time, and referred to the committee on organization of courts of justice.

No. 72. A bill providing for appropriations by the county commissioners for fire engines in certain cases.

Was read a second time.

Mr. Abel submitted the following amendment:

Strike out the word "county" and insert the word "corporation."

Which was not agreed to.

On motion of Mr. Lane,

The bill was referred to the committee on county and township business.

No. 74. A bill to amend sections fifteen and eighteen of an act, entitled an act, to provide for the opening, vacation and change of highways, approved June 17th, 1852, and to repeal so much of said act, as gives jurisdiction over highways to township trustees.

Was read a second time,

And,

On motion by Mr. Humphreys,

Referred to the committee on roads.

No. 93. A bill authorizing the treasurer and auditor of State, to settle with and to credit Henry P. Rowen with certain sums of money deposited in the Wabash Valley Bank, as also checks drawn on the same,

Was read a second time,

And,

On motion by Mr. Humphreys,

Referred to the committee on the judiciary.

No. 75. A bill to amend the 23d section of an act, entitled an act, concerning trespassing animals and partition fences.

Was read a second time.

Mr. Herrod submitted the following amendment:

Strike out "six" months, and insert "three" months.

Which was not agreed to.

On motion by Mr. Moore,

The bill was referred to the committee on agriculture.

No. 76. A bill to authorize the boards of county commissioners to allow a compensation to circuit judges, or other persons duly authorized, for holding adjourned or special sessions of their courts.

Was read a second time,

And,

On motion by Mr. Denby,

Referred to the committee on the organization of courts of justice.

No. 77. A bill to amend the first section of an act, entitled an act to incorporate the Cannellton paper mill, approved February 18th, 1848, so as to give power to manufacture other articles, and changing the names of the corporators.

Was read a second time,

And,

On motion by Mr. Smith of Bartholomew,

Referred to the committee on corporations.

No. 78. A bill to provide for the sale of the lot on which the Treasurer's office is situated, and for the application of the proceeds to the erection of offices, for the use of State officers, and to provide for the erection of the same.

Was read a second time,

And,

On motion by Mr. Todd,

Referred to the joint committee on public buildings.

No. 79. A bill prescribing the mode under which foreign insurance companies shall transact business in this State, and subjecting them to taxation,

Was read a second time,

And,

On motion by Mr. Gordon,

Referred to the committee on corporations.

On motion by Mr. Carnahan,  
The House adjourned.

2 O'CLOCK P. M.

The House met.

ORDERS OF THE DAY.

*House Bills on Second Reading.*

No. 80. A bill prescribing punishment for running railroad trains or locomotives across the railroads without stopping, and to punish carelessness and accidents in crossing,

Was read a second time,

And,

On motion by Mr. McFarland,

Referred to the committee on corporations.

No. 81. A bill to amend an act, entitled "an act defining misdemeanors, and prescribing punishment therefor," approved January 24th, 1852,

Was read a second time, and ordered to be engrossed.

SENATE BILLS ON SECOND READING.

No. 9. An act defining embezzlement, and prescribing punishment therefor,

Was read a second time,

And,

On motion,

Was referred to the committee on the judiciary.

No. 16. A bill providing for the taxation of costs, in cases where lands are attached by process from circuit courts and courts of common pleas, where the claim is less than fifty dollars.

Was read a second time.

And,

On motion by Mr. Humphreys,

Referred to the committee on the judiciary.

No. 22. A bill to amend the 143d section of an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State; approved June 21, 1852.

Was read a second time,

And,

On motion,

Referred to committee on ways and means.

A message from the Senate by Mr. Harvey, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have passed joint resolution of the House No. 4, on the subject of the tariff, with an engrossed amendment thereto, to-wit :

Amend the title to read :

“On the subject of the tariff on sugar.”

In which the concurrence of the House is respectfully requested.

The amendment of the Senate, contained in the foregoing message to joint resolution No. 4,

Was concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the House by Mr. Harvey, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bill thereof.

Senate bill No. 14. A bill to provide for the approval of the official bonds of constables.

In which the concurrence of the House is respectfully requested.

#### HOUSE BILLS ON THIRD READING.

No. 59. A bill legalizing the acknowledgment of all deeds, mortgages, and other instruments required to be recorded, taken and certified by the clerks of the circuit courts of this State after the reception of the revised statutes of 1852, in their respective counties.

Was read a third time,

And,

On motion by Mr. Walpole,

Laid on the table.

By unanimous consent,

Mr. Humphreys introduced,

House bill No. 87. A bill to provide for greater security of the funds of the State in the hands of the Agent of State.

Which was read a first time and passed to a second reading.

Mr. Walpole moved to reconsider the vote just taken concurring in the amendment of the Senate, to joint resolution No. 4, on the subject of the tariff.

Which was not agreed to.

By unanimous consent.

Mr. Smith of Bartholomew introduced,

House bill No. 88. A bill for the incorporation and continuance of building loan fund, and savings associations.

Which was read a first time, and passed to a second reading.

By unanimous consent,

Mr. Blake introduced,

House bill No. 89. A bill to provide for the safe keeping, transfer and disbursement of the public revenue, trust funds, bonds and securities in the hands of the public officers of State.

Which was read a first time, and passed to a second reading.

Mr. Marvin, chairman of the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills have examined House bill No. 59, and compared it with the original, and have authorized me to report that it is correctly engrossed.

Mr. Crowe, chairman of the committee on enrolled bills, made the following report :

MR. SPEAKER :

The committee on enrolled bills have compared enrolled bill of the House No. 4, also, House joint resolution No. 4, with the engrossed copies thereof, and find the the same correctly enrolled.

A message from the Senate by Mr. Harvey, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have passed, without amendment, the following engrossed bill of the House :

No. 4. A bill to amend the 4th section of an act, entitled "an act touching the relation of guardian and ward ;" approved June 9th, 1852.

On motion by Mr. Studabaker,  
The following resolution was taken from the table :



*Resolved*, That the committee of ways and means be instructed to make the levy of taxes sufficient for the payment of the interest on the indebtedness of the State and the sinking fund.

On motion by Mr. Walpole,  
The resolution was laid on the table.

On motion by Mr. Wagner,  
The House adjourned.

THURSDAY MORNING, 9 o'CLOCK, }  
January 22d, 1857.

House met.

The journal was read and approved.

#### REPORTS FROM COMMITTEES.

Mr. Sherrod, chairman of the committee of ways and means, made the following report :

MR. SPEAKER :

The committee on ways and means, to whom was referred House bill No. 78, "a bill to provide for the appraisement of the real estate in this State, and the appointment of appraisers," &c., have examined the same, and direct me to report it back to the House, and recommend that it be laid upon the table.

The report was concurred in, and the bill laid upon the table.

Mr. Bethell, chairman of the committee on military affairs, made the following report :

The committee on military affairs, to whom was referred resolutions instructing them to enquire into the expediency of repealing an act organizing the militia, and providing for the appointment, and prescribing the duties of certain officers thereof," approved June 14th, 1852, and that they report by bill, or otherwise, have had the same under consideration, and have instructed me to report it inexpedient to make such repeal.

Which report was concurred in.

Mr. Kerr, from the committee on the judiciary, made the following report:

MR. SPEAKER :

The judiciary committee, to whom was referred a resolution from the House, directing an enquiry into the expediency of so amending section 1st of chapter 2d, of the revised statutes, as to vest the sole power of appointing the trustees of the several benevolent institutions of this city, in his Excellency, the Governor, have had the same under consideration, and directed me to report to the House, that in the opinion of the committee, legislation on the subject will be inexpedient.

Which report was concurred in.

Mr. Studabaker, chairman of the committee on the rights and privileges of the inhabitants of the State, made the following report:

MR. SPEAKER :

The committee on the rights and privileges of the inhabitants of the State, to whom was referred a resolution directing them to enquire into the expediency of "amending the first section of an act prescribing the powers and duties of Auditor of State," so as to require bond of fifty thousand dollars, have had the same under consideration, and direct me to report the accompanying bill, and recommend its passage.

No. 90. A bill entitled an act to amend the first section of an act prescribing the powers and duties of Auditor of State.

Which was read a first time, and passed to a second reading.

Mr. Neff, from the committee on the organization of courts, made the following report:

*To the Speaker of the House of Representatives :*

Your committee, to whom was referred House bill No. 19, creating the 14th judicial circuit, authorize me to report the same back with the following amendment, and recommend its passage :

Strike out section 2, and insert the following :

The circuit court in said circuit, shall commence in the county of Adams, on the second Mondays of February and August in each year, and may hold two weeks, if the business thereof require it; in the county of Wells, on the Mondays succeeding the courts in the county of Adams, and may hold two weeks, if the business thereof require it; in the county of Huntington, on the Mondays succeeding the courts in the county of Wells, and may hold two weeks, if the business thereof require it; in the county

of Blackford, on the Mondays succeeding the courts in the county of Huntington, and may hold two weeks, if the business thereof require it; in the county of Jay, the Mondays succeeding the courts in the county of Blackford, and may hold two weeks, if the business thereof require it.

On motion,

The bill, with the pending amendment, was recommitted to the committee on the organization of courts.

Mr. Colgrove, from a select committee, made the following report:

MR. SPEAKER :

The select committee, to whom was referred the petition of sundry citizens of the county of Sullivan, on the subject of amending the third section of an act, approved Feb. 14, 1855, entitled an act to amend the first and fourth sections of an act, entitled "an act authorizing recorders to make out complete or general indexes to records of deeds and mortgages," &c., have had the same under consideration, and have directed me to report the following bill on the subject, and recommend its passage.

By Mr. Colgrove.

No. 91. A bill to amend the third section of an act, entitled an act to amend the first and fourth sections of an act, entitled "an act authorizing recorders to make out complete or general indexes to records of deeds and mortgages, and to procure and use seals;" approved Feb. 14, 1855.

Was read a first time, and passed to a second reading.

Mr. Ricketts, from the select committee, made the following report:

The special committee, to whom was referred the resolution in regard to examining the bonds and circulation of the free banks under the control of the Auditor of State, beg leave to make the following report:

Having examined and counted the bonds of all the free banks, and securities under the control of the auditor, and having examined his books in regard to circulation, we find them all correct, as reported by auditor in his last annual report, excepting Shawnee and Gramercy banks, which have no securities.

This report does not include all the free banks, only those that have not complied with the law of 1855, those banking under that law having their securities with treasurer of State.

Which report was concurred in.

## RESOLUTIONS.

On motion by Mr. Carnahan,

*Resolved*, That, the Senate concurring, five thousand copies of the annual report of the commissioners and superintendent of the Indiana hospital for the insane be printed, two thousand for the use of the legislature, and three thousand be placed in the hands of the superintendent, for the use of said institution.

Mr. Wright offered the following resolution :

*Resolved*, When this House adjourn, it will be to meet on tomorrow, at 9 o'clock, A. M.

Which was not agreed to.

On motion by Mr. Lane,

*Resolved*, That the judiciary committee be instructed to enquire into the right and expediency of passing a law regulating the charges of railroad companies for traveling on said roads, and if legal and expedient, to report a bill requiring that no higher rate per mile shall be charged for way passengers, than is charged and paid by through passengers.

On motion by Mr. Larue,

*Resolved*, That the committee on county and township business, be instructed to enquire as to the expediency of amending section six, of chapter 36, of the revised statutes of 1852, so as to provide that estray property and property adrift when advertised in a newspaper, shall be so advertised in some newspaper at the seat of government of the State.

On motion by Mr. Hutchings,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of reducing the number of men required to be summoned on coroner's juries, from fifteen to six, and to report thereon by bill or otherwise.

On motion by Mr. Colgrove,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of abolishing the office of township trustees, and provide by law that all the duties now devolving upon said trustees in relation to roads and highways, be done by the several boards doing county business, and the duties devolving upon said township trustees in relation to common schools, be done and performed by district trustees, and to provide for the election of judges and inspectors of elections.

Mr. McDaniel offered the following resolution :

*Resolved*, That the Doorkeeper be requested to keep up the fires in this hall during the night.

Which was not agreed to.

On motion by Mr. Cullen,

Mr. Herod was added the committee on temperance.

Mr. Branson offered the following preamble and resolution :

**WHEREAS**, The House of Representatives have been officially informed, that the present Auditor of State, contrary to law, and in violation of his official duty, permitted and suffered to be withdrawn from his custody, sundry public bonds, placed in his custody to secure the circulation of the Shawnee and Gramercy banks, therefore, be it

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of preferring articles of impeachment against said officer, for the violation of his duty as stated in this preamble, and report at as early a period as may be practicable.

Which was agreed to.

On motion by Mr. Wiley,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of authorizing the treasurer of each county in this State, to assess and collect taxes on all private or corporation property, used for educational purposes, at the same rate as other property is charged with for the year 1856, if the supreme court has decided that such property is liable for such tax, and report by bill or otherwise.

Mr. Robbins offered the following resolution :

*Resolved*, That the committee on fees and salaries be instructed to enquire into the expediency of deferring an increase of salary of any of the officers of this State, (the Governor's office excepted) during the present session, and until the subject can be submitted to the sovereign people of the State.

Which was not agreed to.

On motion by Mr. Duncan,

*Resolved*, That the Auditor of State be required to report to this House, the number of each and every contract made for ditching swamp lands, and the names of each contractor, also whether

any warrants for land have been issued on said contracts, how many, and to whom they have been made, also, if any warrants have been issued as advances on contract for ditching, how many and to whom.

On motion by Mr. Austin,

*Resolved*, That the committee on public expenditures be instructed to enquire into the propriety of reducing the number of clerks in the employ of the several committees of this House, and report to this House at the earliest practical period.

On motion by Mr. Price,

*Resolved*, That the committee on education be requested to enquire into the expediency of allowing those who are so remotely situated, as not to enjoy the advantages of the common schools, as to enable them to draw the amount of their school tax, deducting officers fees, and report by bill or otherwise.

On motion by Mr. Batterton,

*Resolved*, That the committee on ways and means be instructed to enquire into the expediency of amending sections 32, 33, and 34 of an act to provide for the valuation and assessment of real and personal property, so as to compel railroad companies to pay tax on all the real estate they own, into the treasury of the county wherein such lands are situated, whether such companies have any road in construction or completed, or have any rolling machinery in such counties or not.

Mr. Clark offered the following resolution :

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of reporting a bill to this House providing for punishment in the State prison, of all State officers who may be found guilty of a violation of their oaths and duties, in the management of the interests of the State, confided to their care and supervision.

Which was not agreed to.

Mr. Smith of Bartholomew offered the following resolution :

*Resolved*, That all resolutions offered hereafter relating to township business, be laid on the table until those already offered be disposed of.

Which was not agreed to.



## BILLS INTRODUCED.

By Mr. Conduitt,

House bill No. 92. A bill to amend sections 5 and 21 of an act, entitled an act regulating general elections, and prescribing the duties of officers in relation thereto, approved June 7, 1852, and supplemental thereto.

Was read a first time, and passed to a second reading.

By Mr. Neff,

No. 93. A bill to amend section 38 of an act, entitled an act to simplify and abridge the rules, practice, pleadings, and forms, in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity; approved June 18, 1852.

Was read a first time, and passed to a second reading.

## ORDERS OF THE DAY.

*House Bills on second reading.*

No. 82. A bill to repeal an act, entitled an act to amend an act to authorize and regulate the business of general banking, passed March 3, 1851, and the act to which the same was an amendment; approved May 28, 1852.

Was read a second time.

On motion by Mr. Mercer,  
Referred to the committee on banks.

No. 83. A bill to more particularly define the boundary line between the counties of Gibson and Warrick.

Was read a second time,

And,

On motion,

Was referred to a select committee, consisting of Messrs Bethell, Trippet, Slicer, Williamson and Shoulders.

And,

On motion by Mr. Trippet,

Messrs. Carnahan and Claypool were added to said committee.

No. 84. A bill to amend the 31st section of an act for the incorporation of cities, defining their powers, providing for the election of officers thereof, and declaring their duties; approved June 11, 1852.

Was read a second time,  
 And,  
 On motion,  
 Referred to the committee on corporations.

No. 85. A bill to amend the 6th section of an act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incidental thereto, passed and approved May 13, 1852.

Was read a second time.  
 On motion by Mr. Walpole,  
 Was referred to the committee on judiciary.

No. 86. A bill to repeal an act, entitled an act to empower railroad companies to receive lands, lots, and other property in subscription of stock, approved January 20, 1852.

Was read a second time.  
 On motion by Mr. Clapp,  
 Referred to the committee on corporations.

No. 87. A bill to provide for greater security of the funds of the State, in the hands of the agent of State,

Was read a second time.  
 On motion by Mr. Humphreys,  
 Referred to judiciary committee.

No. 88. A bill for the incorporation and continuance of building loan fund and savings associations,

Was read a second time.  
 On motion by Mr. Conner of Wabash,  
 Referred to the committee on corporations.

No. 89. A bill to provide for the safe keeping, transfer and disbursement of the public revenue, trust funds and securities in the hands of officers of State,

Was read a second time,  
 On motion by Mr. Larue,  
 Referred to the committee on the judiciary.

#### SENATE BILLS ON SECOND READING.

No. 14. A bill to provide for the approval of official bonds of constables,

Was read a second time,  
 And,  
 On motion,  
 Referred to the committee on the judiciary.

## HOUSE BILLS ON THIRD READING.

No. 5. A bill to amend the tenth section of an act, entitled "an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved June 11, 1852,

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Austin, Ayres, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Branson, Bryan, Carnahan, Clapp, Clark, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Hendricks, Denby, Dobbins, Douglass, Duncan, Early, Edson, Evans, Gordon, Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Hutchings, Jefferis, Kerr, Landiss, Lane, Larue, Lewis, Massey, Marvin, Modesitt, Moon, Moore, McDaniel, McDaniel of Lake, McFarland, McGinnis, McKinney, Neal, Neff, Price, Reese, Reymann, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Stone, Studabaker, Trippet, Van Sandt, Vawter, Wallace, Walpole, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Wright, Yater and Mr. Speaker—88.

No member voting in the negative,

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 9. A bill to amend section 22 of an act, entitled "an act for the incorporation of insurance companies, defining their powers and prescribing their duties;" approved June 17, 1852.

Was read a third time.

Mr. Blake moved to refer to the judiciary committee, with the following instructions:

With instructions to enquire into the expediency of striking out 25 per cent. and insert 10 per cent. damages, per annum, if not paid in 60 days.

On motion by Mr. Colgrove,

The instructions were amended: If not tendered or paid within 30 days after such notice.

On motion by Mr. Colgrove,

The bill and pending amendment were laid on the table.

No. 11. A bill to amend the 2d section of an act, entitled "an act concerning the organization of voluntary associations, and repealing former laws in reference thereto," so as to authorize the formation of ferry companies.

Was read a third time.

The question being, shall the bill pass,

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Austin, Ayres, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Branson, Bryan, Carnahan, Clark, Clapp, Claypool, Colgrove, Conner of Hamilton, Conduitt, Crawford, Crowe, Cullen, Davis of Hendricks, Denby, Dobbins, Douglass, Duncan, Early, Edson, Evans, Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Hutchings, Jefferis, Kerr, Landis, Lane, Larue, Lewis, Massey, Mercer, Merrifield, Modesitt, Moon, McDaniel, McDonald of Lake, McGinnis, McKinney, Neal, Neff, Price, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Stone, Studabaker, Trippet, Van Sandt, Vawter, Wagner, Wallace, Walpole, Ward, Whitcomb, Wiley, Williams of Lagrange, Williamson, Wright, Yater, and Mr. Speaker—87.

*Those who voted in the negative were,*

Messrs. Conner of Wabash, Marvin, Moore, McFarland, and Williams of Knox—5.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

No. 24. A bill to amend section six of an act, entitled "an act touching the laying out and vacating towns, streets, alleys, public squares and grounds, or any part thereof, the making out and recording of plats of such towns, and providing for the change of the names of such towns;" approved May 20, 1852.

Was read a third time.

The question being, shall the bill pass,

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Austin, Ayres, Ballenger, Bethell, Blake, Bowman, Boyd, Branham, Branson, Bryan, Carnahan, Clapp, Clark, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Denby, Dobbins, Douglass, Duncan, Early, Edson, Evans, Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Hutchings, Jefferis, Kerr, Landiss, Lane,

Larue, Massay, Marvin, Mercer, Merrifield, Modesitt, Moon, McDaniel, McDonald of Lake, McFarland, McGinnis, McKinney, Neal, Neff, Price, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Stone, Studabaker, Trippet, Van Sandt, Vawter, Wagner, Wallace, Walpole, Ward, Whitcomb, Wiley, Williams of Lagrange, Williamson, Wright, Yater, Moore, and Mr. Speaker—87.

No member voting in the negative.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

On motion,

Leave was granted the committee on elections to sit this afternoon.

On motion by Mr. Larue,  
The House adjourned.

2 O'CLOCK, P. M.

The House met.

Orders of the day resumed.

#### HOUSE BILLS ON THIRD READING.

By unanimous consent,  
Mr. Kerr offered the following resolution :

*Resolved*, That the Clerk of this House be authorized and directed to purchase a full set of the reports of the supreme court of this State, for the use of the committee on the judiciary, which reports shall be set apart for the use of said committees at all subsequent sessions of the General Assembly, and to be placed in the library after the adjournment of the session of the General Assembly, to be retained for the sole use of said committee.

Which was agreed to.

By unanimous consent,  
Mr. Gordon presented the memorial of the board of trade of the city of Indianapolis.

Which was referred to the committee on the affairs of Indianapolis.

No. 33. A bill to amend the 94th and 95th sections of an act, entitled "an act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State;" approved June 21, 1852.

Which was read a third time.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Bethell, Branham, Crawford, Davis of Hendricks, Grose, Hawkins, Hoagland, Hutchings, Lane, Larue, Mercer, Moore, McDaniel, Schermerhorn, Sherrod, Steele, Vawter, Wagner, and Williams of Lagrange.—19.

*Those who voted in the negative were,*

Messrs. Abel, Allen, Austin, Ayres, Ballenger, Blake, Bowman, Boyd, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Claypool, Conner of Hamilton, Conner of Wabash, Conduitt, Crowe, Cullen, Dobbins, Douglass, Duncan, Early, Edson, Evans, Gordon, Harrison, Hayden, Herod, Humpreys, Jefferis, Kerr, Landiss, Lewis, Massey, Marvin, Merrifield, Modesitt, McDonald of Lake, McFarland, McGinnis, McKinney, Neal, Price, Reese, Reyman, Ricketts, Robbins, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Stillwell, Stone, Studabaker, Taggart, Trippet, Van Sandt, Wallace, Walpole, Ward, Whitcomb, Wiley, Williams of Knox, Williamson, Wright, Yater, and Mr. Speaker.—71.

So the bill did not pass.

No. 39. A bill for the better protection of landlords and to facilitate the renting of lands to tenants.

Was read a third time.

Mr. Claypool moved to lay the bill on the table.

The ayes and noes were demanded by Messrs. McDonald of Lake and Gordon.



*Those who voted in the affirmative were,*

Messrs. Allen, Ayres, Ballenger, Batterton, Blake, Bryan, Clapp, Claypool, Colgrove, Conner of Wabash, Cullen, Davis of Hendricks, Dobbins, Evans, Gordon, Grose, Herod, Hoagland, Hutchings, Jefferis, Kerr, Landiss, Larue, Merrifield, Modesitt, McDaniel, McDonald of Lake, McFarland, Reese, Robbins, Schermerhorn, Sloss, Stone, Vawter, Ward, Williams of Knox, and Williams of Lagrange—37.

*Those who voted in the negative were,*

Messrs. Bethell, Boyd, Branham, Branson, Brown, Carnahan, Clark, Conner of Hamilton, Conduitt, Crowe, Douglass, Duncan, Early, Edson, Harrison, Hawkins, Hayden, Humphreys, Lane, Lewis, Massey, Mercer, Moore, McGinnis, McKinney, Neal, Price, Reyman, Ricketts, Shoulders, Shuman, Slicer, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Studabaker, Taggart, Trippet, Wagner, Walpole, Whitcomb, Wiley, Williamson, Yater, and Mr. Speaker—46.

So the bill was not laid on the table.

Mr. Larue moved to recommit to the judiciary committee, with instructions to limit the lien, so that the same shall not operate on more than one-half of the crops raised, to provide that notice may be given to the landlord, his agent or attorney, and where the rent is payable in cash, to provide that the sum to be paid to the landlord by the sheriff, shall not exceed the proceeds of one-half of the crop.

Mr. Ward moved to amend the amendment :

Recommit with instructions to strike out the emergency clause.

On motion by Mr. Walpole,

The amendment and the amendment to the amendment, were laid on the table.

Mr. Claypool moved to recommit the bill with instructions to strike out the words "or exempt from execution," in last part of the first section.

Mr. Grose moved to amend the amendment :

Insert plain language, so as not to interfere with the exemption laws, and the lien therein created, to be limited to one-half of the tenant's crop.

On motion by Mr. Conner of Wabash,

The bill and pending amendments, were laid on the table.

By unanimous consent,  
Mr. Grose introduced,

House bill No. 94. A bill for the relief of H. E. Talbott, and to prevent the transfer of certain bonds therein named, and to authorize the issuing of other bonds as certain contingencies therein named.

Which was read a first time, and passed to a second reading

Mr. Lane moved that the rules be suspended, and the bill read a second time now.

*Those who voted in the affirmative were,*

Messrs. Austin, Ayres, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Clapp Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Davis of Hendricks, Dobbins, Duncan, Evans, Grose, Hawkins, Hayden, Hutchings, Lane, Larue, Lewis, Massey, Mercer, Merrifield, Modesitt, Neal, Price, Reese, Shuman, Sloss, Smith of Delaware, Steele, Stillwell, Stone, Van Sandt, Vawter, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Lagrange, Williamson, and Yater—54.

*Those who voted in the negative were,*

Messrs. Claypool, Crowe, Cullen, Douglass, Edson, Gordon, Harrison, Herod, Humphreys, Jefferis, Kerr, Moore, McDaniel, McDonald of Lake, McFarland, McGinnis, McKinney, Reyman, Ricketts, Robbins, Schermerhorn, Shoulders, Slicer, Smith of Bartholomew, Taggart, Trippet, Williams of Knox, and Mr Speaker—28.

So the rules were not suspended.

The Speaker laid before the House the following communication and report from the Auditor of State:

OFFICE OF AUDITOR OF STATE, }  
INDIANAPOLIS, Jan. 22, 1857. }

HON. BALLARD SMITH,

*Speaker of the House of Representatives :*

SIR—I have the honor to transmit herewith a reply to the House resolution of this date, requiring a report from this office in regard to swamp lands, which you will please lay before that body.

I am very respectfully,

Your obedient servant,

H. E. TALBOTT,

*Auditor of State.*

OFFICE OF AUDITOR OF STATE,  
INDIANAPOLIS, Jan. 22, 1857. }

HON. BALLARD SMITH,

*Speaker of the House of Representatives :*

SIR—I am in receipt of the House resolution of this date, requiring a report from this office, as to the “number and amount of each and every contract made for ditching swamp lands, and the names of each contractor; also, whether any warrants for land have been issued on said contracts, how many and to whom; also, if any warrants have been issued as advances on contracts for ditching, how many and to whom,” and in reply thereto, I have to state, that to comply with the requisition, as to “the number and amount of each and every contract for ditching, and the name of each contractor,” would require the exclusive services of one clerk for more than one month.

In regard to the enquiry, whether any warrants for lands have been issued on said contracts, I have to state, that occasionally warrants have been issued from this office, with the condition expressed therein, that they should be applied to the purchase of swamp land prior to the presentation at the State treasury. I have no means of ascertaining the number and amount of warrants so issued, as the issuing in this manner was generally the result of personal agreement between the claimant and the Auditor, in cases when it would be inconvenient for the Treasurer of State to pay the money, or when there was no money standing to the credit of the county in which the ditching was done, on the books of this office. I do not think that warrants to the amount of \$10000 have been issued in this manner.

In reply to the enquiry, “if any warrants have been issued as advances on contracts for ditching,” I have to state, that no warrant has been issued from this office, on account of ditching swamp lands, but on certificate of swamp land commissioner of the county in which the work was performed.

I am, sir, very respectfully,

Your obedient servant,

H. E. TALBOTT,

*Auditor of State.*

Which,

On motion,

Was referred to the committee on swamp lands.

On motion of Mr. Taggart,  
The House adjourned.

FRIDAY MORNING, 9 o'clock, }  
January 23, 1857. }

The House met.

The journal was read and approved.

PETITIONS, MEMORIALS, ETC., PRESENTED.

By Mr. Conner of Wabash,

A petition in relation to incompetent persons practicing medicine.

Referred to committee on surgery.

REPORTS FROM STANDING COMMITTEES.

Mr. Conner of Hamilton made the following report, from the committee on the judiciary:

MR. SPEAKER:

The judiciary committee, to whom was referred a resolution enquiring into the expediency of reporting a bill amending section 1, chapter 70, of the revised statutes of 1852, in reference to the mileage of sheriffs in taking convicts to the State prison, as suggested by the Auditor of State, have had the same under consideration, and directed me to report to the House, that in the opinion of the committee, no legislation on the subject is necessary, and recommend its indefinite postponement.

Which was concurred in.

Mr. Larue, from the committee on fees and salaries, made the following report:

MR. SPEAKER:

The committee on fees and salaries, to whom was referred the resolution herewith returned, instructing them to enquire into the expediency of the passage of an act allowing a lien in favor of recorders upon lands for their services in recording deeds, have had the same under consideration, and have instructed me to report that they deem legislation on the subject inexpedient.

Which was concurred in.

Mr. Steele, from the committee on banks, made the following report:

**MR. SPEAKER:**

The committee on banks have directed me to report the following bill:

No. 95. A bill to provide for the safe keeping of the public money and of bonds and other securities, entrusted to the care of certain officers,

Was read a first time, and passed to a second reading.

Mr. Moore, from the committee on county and township business, made the following report:

**MR. SPEAKER:**

The committee on county and township business, to whom was referred a bill of this House, No. 14, to amend the 30th section of an act regulating the fees of officers; and repealing former acts in violation thereto, approved March 2, 1855, have had the bill under consideration, and have directed me to report the bill back to this House, and recommend that it be indefinitely postponed, and ask to be discharged from the further consideration of that subject.

Which report concurred in, and the bill was indefinitely postponed.

Mr. Cullen, chairman of the committee on temperance, made the following report:

**MR. SPEAKER:**

The committee on temperance, to whom was referred House bill No. 3, an act to repeal an act, approved February 16, 1855, relative to the manufacture and sale of spirituous and intoxicating liquors, have had the same under consideration, and instructed me to report the same back to the House, and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

On motion by Mr. Conner of Wabash,  
The following resolution was taken from the table:

*Resolved*, That the committee on ways and means be instructed to prepare and report a bill to this House, providing for the assessment and taxation of all real estate owned by any railroad company or other corporations, in the county where the same may be situated.

On motion by Mr. Williams of Knox,  
The resolution was laid on the table.



## RESOLUTIONS.

Mr. Gordon offered the following preamble and resolution :

**WHEREAS**, By the provisions of the 31st section of an act, entitled an act prescribing the duties of county treasurers, approved February 12th, A. D. 1841 : **AND, WHEREAS**, Also, by the provisions of the revised statutes of A. D., 1843, section 90, article 4, chapter 7, respecting the per centage receivable and chargeable by county treasurers for their services, and per centum in receiving moneys, and for their services, and per centum on all moneys paid out : **AND, WHEREAS**, The meaning of said several statutory provisions have been differently construed by the boards of county commissioners in the different counties of the State : **AND, WHEREAS**, A large majority of the boards of county commissioners have construed the meaning of the said statutes to be as the legislature manifestly intended, that each county treasurer should be allowed for his services, two and a half per centum on all moneys received, and also, a like per centum on all moneys paid out, with certain exceptions specified in said several acts : **AND, WHEREAS**, Also the county treasurers in those counties where the law has been thus construed, have been allowed, and paid for such services accordingly : **AND, WHEREAS**, Also the boards of commissioners of the counties of Hendricks, Jefferson, and one or two other counties in the State, have given said statutory provisions a different construction, and have refused to allow the treasurers of their respective counties but two and a half per centum for like services, for receiving and paying out moneys under the provisions of said several acts : Therefore, in order to make the compensation of the county treasurers, for such services, uniform throughout the State,

*Resolved*, That the judiciary committee be instructed to report a bill, authorizing and requiring the several boards of commissioners of Hendricks, Jefferson, and all other counties similarly situated, to order the allowance and payment of the additional two and a half per centum, to the several county treasurers having rendered such services in their respective counties, with interest thereon from the time that such allowance should have been made, in all cases where such allowances have been withheld under the provisions of said several acts.

Which were not agreed to.

On motion by Mr. Smith of Bartholomew,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of so amending section 24, chapter 23, vol. 1 of revised statutes, as to enable a married woman to join in a deed of conveyance to her husband's real property, by making affida-



vit before a justice of the peace, or any other person authorized to administer oaths, that such conveyance is by her own will and for her interest, instead of requiring, as in the present law, the declaration of her father or mother, that such transfer is for her benefit; also, to enquire into the expediency of removing all disabilities imposed by statute upon ——— to enter deeds of conveyance with their husbands, upon a proper expression of their will to so convey, and report by bill, or otherwise.

Mr. Lane, from committee on banks, made the following report:

MR. SPEAKER:

The committee on banks, to whom was referred a resolution instructing said committee to ascertain if any of the directors or officers of the old State bank have been appointed, or are acting as directors or officers of the new State bank, and to report by bill, or otherwise, forbidding the same, and requiring their removal, have had the same under consideration, and directed me to report in answer to the first division of said resolution, the accompanying resolutions, and to recommend their passage:

*Resolved*, That the cashier of the State bank of Indiana, communicate to this House forthwith, a list of the directors and officers of said State bank of Indiana, and of each of its branches.

*Resolved*, That the cashier of the bank of the State of Indiana, communicate to this House forthwith, a list of the directors and officers of the bank of the State of Indiana, and of each and every branch thereof.

Which was agreed to.

MR. SPEAKER:

The committee on banks, to whom was referred a resolution instructing said committee to ascertain if any of the directors or officers of the old State bank have been appointed, or acting as directors or officers of the new State bank, and to report by bill, or otherwise, forbidding the same, and requiring their removal, have had the same under consideration, and directed me to report, in answer to the last division of said resolution, the accompanying bill, and recommend its immediate passage:

No. 96. A bill forbidding persons holding office in any other banking institution, to hold office, or to discharge the duties of any office or appointment in the State bank of Indiana, or in any of its branches, and prescribing the penalty for violating the provisions of the same.

Which was read a first time, and passed to a second reading.

On motion by Mr. Douglass,

*Resolved*, That the Doorkeeper be requested to deliver the mail matter of this House at the post office, at such hours of each day as will ensure its being placed in the morning and evening mails respectively.

#### HOUSE JOINT RESOLUTION.

Mr. Shuman introduced,  
Joint resolution No. 6. Joint resolution referring to the admission of Kansas as a State.

Which was read a first time, and passed to a second reading.

#### BILLS INTRODUCED.

By Mr. Gordon,

No. 97. A bill to amend the 3d and 11th sections of an act, entitled "an act providing for the election, and prescribing certain duties of county surveyor.

Which was read a first time, and passed to a second reading.

By Mr. Steele,

No. 98. A bill to empower railroad companies, organized under the general laws of the State, to surrender their franchises, pay their liabilities, distribute their assets, and dissolve the corporation.

Which was read a first time, and passed to a second reading.

Mr. Allen moved to suspend the rules, and the bill be read a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Adams, Allen, Ayres, Boyd, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crowe, Cullen, Denby, Douglass, Duncan, Early, Edson, Evans, Grose, Harrison, Herod, Humphreys, Jeffers, Lane, Larue, Lewis, Massey, Marvin, Mercer, Modesitt, McDaniel, McDonald of Fountain, McFarland, McGinnis, McKinney, Neal, Neff, Price, Reyman, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Shuman, Slicer, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Stone, Studabaker, Taggart, Trippet, Van Sandt Vawter, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, and Yater.

*Those who voted in the negative were,*

Messrs. Abel, Austin, Ballenger, Batterton, Bethell, Blake, Bowman, Branhan, Crawford, Davis of Hendricks, Gordon, Hawkins, Hayden, Hoagland, Hutchings, Kerr, Landiss, Merrifield, Moore, McDonald of Lake, Reese, Wright, and Mr. Speaker—24.

So the rules were suspended, and the bill read a second time,  
And,

On motion by Mr. Steele,  
Referred to the committee on corporations.

By Mr. Lane,

No. 99. A bill to prevent the making, issuing, or circulating of fraudulent bank notes, bills, and other instruments as money, to suppress fraudulent banking, and to declare, and create a personal liability against all persons engaged, or who may be engaged therein, and for other purposes.

Which was read a first time, and passed to a second reading.

By Mr. Ricketts,

No. 100. A bill to amend sections one and six of an act, entitled an act in relation to applying certain funds therein named to payment of the public debt; approved June 18, 1852.

Which was read a first time, and passed to a second reading.

By Mr. Smith of Bartholomew,

No. 101. A bill to amend the 2d section of article second of the constitution of the State of Indiana.

Was read a first time, and passed to a second reading.

By Mr. Colgrove,

No. 102. A bill supplemental to an act, entitled an act regulating the fees of officers, and repealing former acts in relation thereto; approved March 2, 1855.

Which was read a first time, and passed to a second reading.

By Mr. Lane,

No. 103. A bill requiring the clerks of the circuit courts to keep a public record of moneys paid into their office, and specifying the duties of former clerks in relation to moneys now in their hands belonging to said office.

Which was read a first time, and passed to a second reading.

By Mr. McFarland,

No. 104. A bill to repeal the 10th section of an act, entitled an act to establish courts of conciliation, to provide rules and proceedings therein, and compensation of judges thereof; approved June 11, 1852.

Which was read a first time, and passed to a second reading.

By Mr. Clapp,

No. 105. A bill to provide for the sale of school lands in cases therein mentioned.

Which was read a first time, and passed to a second reading.

By Mr. Gordon,

No. 106. A bill to provide for the distribution of the German edition of the revised statutes of 1852, among the several counties of the State.

Which was read a first time, and passed to a second reading.

Mr. Williams of Knox moved to take up the following report of the committee on ways and means:

MR. SPEAKER :

The committee on ways and means, to whom was referred a resolution of the House, instructing them to so change the assessment laws, that each tax payer may deduct his indebtedness from money on hand, or at interest, or from his personal property, have had the subject under consideration, and have directed me to report, that they deem further legislation inexpedient, and ask to be discharged from the further consideration of the same.

And,

On motion by Mr. McDonald of Lake,  
The report was laid on the table.

By unanimous consent,  
Mr. Marvin introduced,

House bill No. 107. A bill requiring railroad companies within this State, to provide suitable and convenient station houses for the accommodation of travelers.

Which was read a first time, and passed to a second reading.

On motion by Mr. Early,

*Resolved*, That the Doorkeeper of this House be directed to contract with Messrs. Pentecost and Davisson, proprietors of the

Expositor, for two copies of said paper for each member of this House, during the present session, one copy of said paper to be enveloped and stamped.

On motion by Mr. Lane,  
The House adjourned.

2 O'CLOCK, P. M.

House met.

By unanimous consent,

Mr. Dobbins presented a petition in reference to the sale of spirituous liquors.

Which was read,

And,

On motion,

Referred to the committee on temperance.

On motion by Mr. Denby,

The committee on elections had leave to set this afternoon.

By unanimous consent,

Mr. Branson, from the committee on county and township business, made the following report:

The committee on county and township business, to whom was referred a resolution of the House, instructing them to enquire into the expediency of so amending the school laws of Indiana, as to prevent the boards of township trustees, from levying a tax for school or township purposes, without first having a majority of the legal voters of their townships in favor of the same, have had the same under consideration, and instructed me to report legislation on the subject inexpedient, and ask to be discharged from the further consideration thereof.

Which report was concurred in.

The Speaker laid before the House the following communication from Mr. Davis of Sullivan, chairman of the committee on banks:

CARLISLE, Jan. 22, 1857.

MR. SPEAKER :

It is impossible to say how soon I can be at my post in the House. The health of my wife is very bad. As the committee on banks is an import one, and equally important that it should be full, I desire that I may be excused from further service on the committee, and that some friend may make a motion to that effect, and give you a chance to fill up the committee. The best I can hope for, is to be with you early next week, and even then propriety may forbid.

Yours very truly,  
JOHN W. DAVIS.

On motion by Mr. Humphreys,

Mr. Davis was excused.

#### ORDERS OF THE DAY.

#### *House Bills on third reading.*

House Bill, No. 70. A bill to amend the sixth, seventh, nineteenth and twentieth sections of an act, entitled "an act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto," approved May 13, 1852,

Was read a third time.

Mr. Gordon moved to commit the bill with the following instruction to the committee on the judiciary, by providing "that in all cases where a divorce is granted on account of the misconduct of the husband, the rights of the wife in the real estate, of which the husband was seized at the date of said divorce, shall be and remain the same as if such husband had died at the date of the granting thereof.

Which was not agreed to.

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Allen, Austin, Ayres, Ballenger, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crowe, Davis of Hendricks, Dobbins, Douglass, Duncan, Edson, Evans, Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Hutchings, Jefferis, Kerr, Landiss, Lewis, Massey, Mercer, Merri-field, Modesitt, Moore, McDaniel, McDonald of Fountain, McDonald of Lake, McFarland, McGinnis, McKinney, Neal, Price,



Reese, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Shuman, Slicer, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Stone, Studabaker, Taggart, Trippet, Van Sandt, Vawter, Wagner, Wallace, Walpole, Ward, Whitcomb, Wiley, Williams of Lagrange, Williamson, and Yater—76.

*Those who voted in the negative were,*

Messrs. Cullen, Early, Gordon, Humphreys, Lane, Larue, Ricketts, Stone, Williams of Knox, and Mr. Speaker—10.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

No. 81. A bill to amend an act, entitled "an act defining misdemeanors, and prescribing punishment therefor," approved January 24th, 1852,

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Allen, Anstin, Ayres, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Colgrove, Conner of Hamilton, Conner of Wabash, Crowe, Davis of Hendricks, Dobbins, Douglass, Duncan, Early, Edson, Evans, Harrison, Hayden, Herod, Hoagland, Humphreys, Hutchings, Jefferis, Kerr, Lane, Larue, Lewis, Massey, Mercer, Merrifield, Modesitt, Moore, McDaniel, McDonald of Fountain, McGinnis, McKinney, Neal, Price, Reese, Reyman, Ricketts, Robbins, Shuman, Slicer, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Stone, Studabaker, Taggart, Van Sandt, Vawter, Wagner, Wallace, Walpole, Ward, Whitcomb, Wiley, Williams of Lagrange, Yater, and Mr. Speaker.—73.

*Those who voted in the negative were,*

Messrs. Conduitt, Cullen, Gordon, Grose, Landiss, McDonald of Lake, McFarland, Schermerhorn, Sherrod, Shoulders, Trippet, Williams of Knox, and Williamson.—13.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

Mr. Lane moved that the vote just taken be reconsidered.

Which was not agreed to.

## HOUSE BILL ON SECOND READING.

No. 90. A bill entitled an act to amend the 1st section of an act prescribing the powers and duties of the Auditor of State.

Was read a second time,

And,

On motion by Mr. Humphreys,

Was referred to the committee on the judiciary.

No. 91. A bill to amend the 3d section of an act, entitled an act to amend the 1st and 4th sections of an act, entitled an act authorizing recorders to make out complete or general indexes to records of deeds and mortgages, and to procure and use seals; approved February 14th, 1855.

Was read a second time,

And,

On motion by Mr. Stillwell,

Referred to the committee on fees and salaries.

No. 92. A bill to amend sections 5 and 21 of an act, entitled an act regulating general elections, and prescribing the duties of officers in in relation thereto, approved June 7th, 1852, and supplement thereto.

Was read a second time,

And,

On motion by Mr. Conduitt,

Referred to the committee on elections.

No. 93. A bill to amend section 38 of an act, entitled an act to simplify and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State; to abolish distinct forms of actions at law, and provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity; approved June 18, 1852.

Was read a second time,

And,

On motion by Mr. McDonald of Lake,

Referred to the committee on the judiciary.

No. 94. A bill for the relief of H. E. Talbott, and to prevent the transfer of certain bonds therein named, and to authorize the issuing of other bonds on certain contingencies therein named.

Was read a second time,

And,

On motion by Mr. McDonald of Lake,

Referred to the committee on the judiciary.

The Speaker laid before the House the following report from the Attorney General:

*To the House of Representatives of the*

*General Assembly of the State of Indiana :*

In reply to your resolution of enquiry, in relation to the liability of the State for the redemption of the circulation of the Gramercy bank at Lafayette, and the Shawnee bank at Attica, I return you the following opinion :

The bonds, filed as collateral security for the circulation of those banks, were filed under the general banking law of 1852, and remained in the hands of the Auditor of State. As neither of the banks had complied with the act of 1855, amendatory to the act of 1852, the question arising under your resolution will have to be determined by the former act.

The 5th section of the act of 1852 provides, that " whenever any person, or association of persons, formed for the purpose of banking under the act, shall *legally transfer* to the Auditor any portion of the stock or bonds hereinafter specified, such person or association of persons, shall be entitled to receive from the Auditor an equal amount of circulating notes," etc.

The legal title to the bonds filed under this section of the act becomes vested in the Auditor, and they are held as collateral security for the redemption of the notes circulated. And sections 8 and 11 provide the mode and manner in which the Auditor, in default of the bank to redeem the circulation, shall proceed to sell said bonds, and apply the proceeds to the redemption of the notes. Taking these provisions of the law together, and they constitute the Auditor of State a trustee for the benefit of the banker on the one the one hand, and the billholder on the other. The State has no interest in the matter ; indeed, by the terms of the constitution, she is expressly prohibited from taking or holding any such interest.

And the question is simply this : Can the State be held liable to either of the parties in interest, for the misconduct of the trustee in a misapplication of the trust funds, in a manner unauthorized by law ? In my opinion they cannot. But it is contended, that the 12th section of the act of 1852 is a recognition of the State's liability for the misconduct of the officer. I do not so regard it. The language of that section, so far as relates to this question, is, " that nothing in the act contained, shall be construed as implying any pledge, on the part of the State, for the payment of said bills, beyond the proper application of the securities pledged with the Auditor for their redemption."

The simple guarantee contained in this clause of section 12, is, that the State will not authorize the application of the securities pledged to any other purpose, than that specified in the act, viz : The redemption of the circulation, and further than that, she would not be bound. But it cannot be construed into a pledge to make good any loss accruing to the parties in interest, arising from the unauthorized acts of the Auditor or trustee, for this would

make the State the bondsman of the trustee, a position she clearly did not mean to assume.

The position, that as agent of the State, the acts of the Auditor are binding upon her, has no application to this question, for the following reasons :

*First.*—The Auditor is not so much the agent of the State in these transactions, as he is of the parties in the interest, the banker and the bill holder. The State merely nominated a trustee, defined his duties, and required a bond for the performance of those duties. The duties to be performed are not connected with the general administration of the government, but one of a peculiar character, and for the benefit of particular persons.

*Second.*—Under the rules of law governing the acts of principal and agent, the State cannot be held liable, for the act complained of, was not within the proper authority of the agent. The State did not authorize the act to be done, but it was in violation of authority. Yet, the agent can only bind his principal, where the act done is within the general scope of the agent's authority, or is expressly authorized by the principal.

For these reasons, I hold the State is not bound to redeem the currency of these banks.

J. E. McDONALD,  
*Attorney General.*

On motion by Mr. Humphreys,  
The report was laid on the table and 500 copies ordered to be printed.

On motion by Mr. Blake,

*Resolved*, That when this House adjourns, it will adjourn to meet again on next Monday, at 2 o'clock, P. M.

By unanimous consent,

Mr. Lane presented a remonstrance from certain citizens of Lawrenceburgh, in relation to schools.

Which was referred, without reading, to the committee on education.

On motion of Mr. Larue,

Leave of absence was granted Mr. Hawkins.

Mr. Clapp, from the committee on county and township business, made the following report:

MR. SPEAKER :

The committee on county and township business, to whom was referred House bill No. 72, a bill providing for appropriation by

the county commissioners for fire engines in certain cases, have had the same under consideration, and have directed me to report the same bill back, and recommend its passage.

The report was concurred in, and the bill read a second time, and ordered to be engrossed.

Mr. Wagner, from the committee on education, made the following report:

**MR. SPEAKER:**

The committee on education, to whom was referred a resolution, directing an enquiry into the expediency of so amending the law, approved June 14, 1852, as to provide for a general and uniform system of common schools, and to dispense with the traveling duties of the State Superintendent, with a reduction of his fees and traveling expenses and clerk hire, have had the same under consideration, and directed me to report to the House, that, in the opinion of the committee, legislation on the subject would be inexpedient.

Which report was concurred in.

By unanimous consent,  
Mr. Gordon introduced,

House bill No. 108. A bill authorizing the appointment of special administrators, and prescribing their duties in certain cases.

Which was read a first time, and passed to a second reading.

Mr. Lane moved the rules be suspended, and House bill No. 96 be read a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Allen, Austin, Ayres, Ballenger, Batterton, Boyd, Carnahan, Clapp, Clark, Colgrove, Crowe, Cullen, Davis of Hendricks, Dobbins, Douglass, Duncan, Early, Edson, Gordon, Grose, Harrison, Hawkins, Hayden, Hoagland, Hutchings, Jefferis, Lane, Larue, Lewis, Massey, Modesitt, Moore, McGinnis, Shoulders, Smith of Delaware, Steele, Stone, Studabaker, Taggart, Trippet, Vawter, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Yater, and Mr. Speaker—50.

*Those who voted in the negative were,*

Messrs. Bethell, Bowman, Branham, Branson, Brown, Claypool, Conner of Hamilton, Conduitt, Evans, Herod, Humphreys, Kerr, Landiss, Mercer, Merrifield, McDonald of Lake, McFarland, Mc-



Kinney, Neal, Price, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Sherrod, Shuman, Slicer, Smith of Bartholomew, and Van Sandt—31.

So the rules were not suspended.

The Speaker appointed Mr. Humphreys to act in place of Mr. Davis of Sullivan, as chairman of the committee on banks.

On motion,

Leave of absence was granted Messrs. Allen and Todd until Wednesday next, and to Mr. Ricketts until Friday next.

On motion by Mr. Blake,

The Speaker added Mr. Studabaker to the committee on the judiciary.

Mr. Williams of Knox, from the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills of the House have examined engrossed bills Nos. 3 and 72, and compared them with the originals, and find them correctly engrossed, and direct me to so report.

On motion by Mr. Stone,  
The House adjourned.

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MONDAY, 2 O'CLOCK, P. M. }  
January 26th, 1857. }

House met.

The journal of Friday read and adopted.

PETITIONS, MEMORIALS, AND REMONSTRANCES, &c.

By Mr. Grose,

A petition from sundry citizens of Jay county for the prohibition of the sale of intoxicating liquors.



Which was read,

And,

On motion,

Referred to the committee on temperance.

By Mr. Wallace,

A petition signed by D. W. Miller, Warden of the State prison, and others, in reference to the discharge of convicts from said prison.

Which,

On motion by Mr. Wallace,

Referred to the committee on claims.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Ayres, from the committee on education, made the following report :

MR. SPEAKER :

The committee on education, to whom was referred a resolution from the House, instructing an enquiry into the expediency of repealing all laws on the subject of common schools, and passing an entire new law in plain language, have had the same under consideration, and directed me to report, that, in the opinion of the committee, legislation on the subject would be inexpedient.

Which report was concurred in.

Mr. Grose, chairman of the committee on public expenditures, made the following report :

The committee upon public expenditures, to whom was referred a resolution upon the propriety of abolishing the office of agent of State, have had the same under consideration, and directed me to make the following report :

That the act to provide for the funded debt of the State, approved Jan. 17, 1846, requires that the stock created pursuant to said act, shall be transferable by such agent, only in the city of New York, in books to be provided for that purpose by the State; and the interest on the stock created by said act, is payable half yearly in the city of New York : Therefore, in view of the existing obligations of the State to her creditors, the committee deem it inexpedient to abolish said officer at the present time, but take this occasion to express their opinion, that better economy might be practiced by the State, in regard to the expenses of said office, and the committee ask to be discharged from the further consideration of the subject.

Which report,

On motion by Mr. Walpole,  
Was laid on the table.

A message from the Governor, by Mr. Osborne, executive messenger :

MR. SPEAKER :

I am directed by his Excellency, the Governor, to inform the House, that he has approved and signed the following bill and resolution :

House Bill, No. 4. An act to amend the 4th section of an act, entitled "an act touching the relation of guardian and ward," approved June 9, 1852.

Joint Resolution, No. 4. Joint resolution on the subject of the tariff on sugar.

#### RESOLUTIONS.

Mr. Williamson offered the following preamble and resolution :

**WHEREAS**, It being customary for proprietors of caravans, menageries, circuses, rope and wire-dancing troupes, concert troupes, and other theatrical troupes, who travel through the State for the purpose of gain, to evade the payment of the license contemplated by section one, of an act entitled "an act concerning licenses to vend foreign merchandize, to exhibit any caravan, menagerie, circus, rope and wire-dancing, puppet show, and legerdemain:"

**AND, WHEREAS**, much money is annually lost to the agricultural societies of the State, by the aforesaid evasion to pay license by travelling troupes, therefore,

*Resolved*, That the committee on agriculture be instructed to enquire into the expediency of so amending said section I, of the act above mentioned, as to secure the payment of a license from each and every traveling troupe for gain, under whatever the same may be announced to the public, or any stationary troupe, under any combination or name by which the same may be known.

Which was agreed to.

On motion by Mr. Lane,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of so amending the law in relation to official bonds, as to authorize officers to give mortgage on unincumbered real estate, in lieu of personal security as now required by law, and report by bill or otherwise.

On motion by Mr. Sherrod,

*Resolved*, That the committee on the rights and privileges of the inhabitants of the State, be requested to report a bill to this House, making it a penitentiary offence to cast an illegal vote, or counsel, procure, hire or encourage any one to cast such illegal vote, at any election within this State.

On motion by Mr. Colgrove,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of abolishing the court of common pleas, transferring its civil business to the circuit court, and providing for its probate business a surrogate system similar to that now in force in the State of New York, and to give to the circuit court and justices of the peace concurrent jurisdiction of misdemeanors, now cognizable in the courts of common pleas, which being done to increase the number of judicial circuits, the number of terms per annum, and the salaries of circuit judges and prosecuting attorneys, and to report by bill, or otherwise, at its earliest convenience.

Mr. Ballenger offered the following resolution :

*Resolved*, That the committee on education be instructed to enquire into the expediency of withholding the benefit of the public school fund from all children under ten years old, and report by bill, or otherwise.

Which was not agreed to.

On motion by Mr. Moore,

*Resolved*, That the committee on county and township business be instructed to enquire into and report to this House by bill, or otherwise, what changes are necessary in the fees in the different county officers.

#### BILLS INTRODUCED.

By Mr. Gordon.

House bill No. 109. A bill to amend the 25th section of an act, entitled "an act regulating discounts, and the apportionment of estates;" approved May 14, 1852.

Which was read a first time, and passed to a second reading.

By Mr. Boyd.

No. 110. A bill for the more uniform mode of doing township business, and to repeal all former laws in reference thereto.

Which was read a first time, and passed to a second reading.

By Mr. Denby.

No. 111. A bill to provide for the annexation of incorporated towns, and to incorporate cities, and for the consideration or union of incorporated towns and incorporated cities.

Which was read a first time, and passed to a second reading.

By Mr. Branson.

No. 112. A bill more effectually to protect the holders of the notes or bills of banking institutions, and providing penalties in cases of failures of banks.

Which was read a first time, and passed to a second reading.

By Mr. McKinney.

No. 113. A bill providing that land delinquent for taxes, be forfeited to the State, and made school lands, instead of being sold for taxes to speculators.

Which was read a first time, and passed to a second reading.

By Mr. Wagner.

No. 114. A bill to provide for the construction of a furnace and the necessary apparatus, for the heating of the State House.

Which was read a first time, and passed to a second reading.

By Mr. Douglass.

No. 115. A bill declaring what a seal is in contemplation of law, requiring deeds of conveyance to be sealed, and declaring the meaning of such laws.

Which was read a first time, and passed to a second reading.

By Mr. Douglass.

No. 116. A bill to require county treasurers to collect from the clerks of the circuit courts and justices of the peace, in their respective counties, all unclaimed fines and fees.

Which was read a first time, and passed to a second reading.

By Mr. Schermerhorn,

No. 117. A bill to amend the 9th section of an act, entitled an act regulating the fees of officers, and repealing former acts in relation thereto; approved March 2, 1855.

Which was read a first time, and passed to a second reading.

H. J.—16.

By Mr. Denby,

No. 118. A bill to enable the common councils of the several incorporated cities of this State, to prescribe by ordinance, the time within which the annual assessments for city purposes shall be made, and the rolls thereof returned, and the time within which the city tax rolls or duplicates, shall be made and delivered to the collecting officers, and also the time within which each collecting officer shall make his return.

Which was read a first time, and passed to a second reading.

By Mr. Sherrod,

No. 119. A bill regulating the fees of county auditors.

Which was read a first time, and passed to a second reading.

#### ORDERS OF THE DAY.

#### *House Bills on Second Reading.*

No. 95. A bill to provide for the safe keeping of the public money, and of bonds and other securities entrusted to the care of certain officers.

Was read a second time, and ordered to be engrossed and read a third time to-morrow.

No. 96. A bill forbidding persons holding office in any other banking institution, to hold office or to discharge the duties of any office or appointment in the State bank of Indiana, or in any of its branches, and prescribing the penalties for the violation of the provisions of the same.

Was read a second time,

And,

On motion by Mr. Studabaker,

Referred to the committee on the judiciary.

No. 97. A bill to amend the 3d and 11th sections of an act, entitled an act providing for the election, and prescribing certain duties of county treasurers.

Was read a second time,

And,

On motion by Mr. Carnahan,

Referred to the committee on county and township business.

No. 99. A bill to prevent the making, issuing, or circulating of fraudulent bank notes, bills, and other instruments as money; to suppress fraudulent banking, and to declare and create a personal

liability against all persons engaged, or who may be engaged therein, and for other purposes.

Was read a second time,

And,

On motion by Mr. Conner of Wabash,

Referred to the committee on banks.

No. 100. A bill to amend sections 1 and 6, of an act, entitled an act in relation to applying certain funds therein named, to the payment of the public debt; approved June 18, 1852.

Was read a second time,

On motion by Mr. Davis of Sullivan,

Referred to the committee on sinking fund.

No. 101. A bill to amend section 2d of article 2d of the constitution of the State.

Was read a second time.

On motion by Mr. Smith of Bartholomew,

Referred to the committee on the judiciary.

No. 102. A bill supplemental to an act, entitled an act regulating the fees of officers, and repealing former acts in relation thereto; approved March 2, 1855.

Was read a second time,

On motion by Mr. Lane,

Referred to the committee on fees and salaries.

No. 103. A bill requiring the clerks of the circuit courts to keep a public record of moneys paid into their offices, and specifying the duties of former clerks in relation to moneys now in their hands belonging to said office.

Was read a second time,

On motion by Mr. Studabaker,

Was referred to the committee on the judiciary.

No. 104. A bill to repeal the 10th section of an act, entitled an act to establish courts of conciliation, to prescribe rules and proceedings therein, and compensation of judge thereof; approved June 11th, 1852.

Was read a second time,

On motion by Mr. McFarland,

Referred to the committee on the organization of courts.

No. 105. A bill to provide for the sale of school lands in cases therein mentioned.

Was read a second time.

On motion by Mr. Hoagland,

Referred to the committee on education.



No. 106. A bill to provide for the distribution of the German edition of the revised statutes of 1852, among the several counties of the State.

Was read a second time, and ordered to be engrossed.

No. 107. A bill requiring railroad companies within this State, to provide suitable and convenient station houses for the accommodation of travelers.

Was read a second time,

On motion by Mr. Marvin,

Referred to the committee on the judiciary.

No. 108. A bill authorizing the appointment of special administrators, and prescribing their duties in certain cases.

Was read a second time, and ordered to be engrossed.

#### HOUSE JOINT RESOLUTIONS ON SECOND READING.

No. 6. Joint resolution referring to the admission of Kansas as a State.

Was read a second time,

Mr. McDonald of Lake moved to refer the joint resolution to a select committee.

Which was not agreed to.

Mr. Walpole moved to lay the joint resolution on the table.

The ayes and noes were demanded by Messrs. Shuman and Clapp.

*Those who voted in the affirmative were,*

Messrs Adams, Ayres, Blake, Bowman, Branson, Brown, Bryan, Carnahan, Clark, Conduitt, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Gordon, Harrison, Herod, Hoagland, Humphreys, Kerr, Landiss, Lane, Lewis, Massey, Marvin, Modesitt, Moore, McDaniel, McDonald of Lake, McFarland, McGinnis, McKinney, Neff, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Smith of Bartholomew, Studabaker, Taggart, Walpole, Wiley, Williams of Knox, Williamson, Wright, Yater and Mr. Speaker—52.

*Those who voted in the negative were,*

Messrs. Austin, Ballenger, Boyd, Branham, Clapp, Colgrove, Conner of Wabash, Crawford, Davis of Hendricks, Evans, Grose, Hutchings, Jefferis, Merrifield, Moon, Price, Shuman, Steele, Stone, Todd, Van Sandt, Vawter, Wagner, and Ward.—24.

So the joint resolution was laid on the table.

On motion by Mr. Lane,

Leave of absence was granted Mr. Sloss on account of sickness.

#### HOUSE BILLS ON THIRD READING.

House bill No. 3. A bill to repeal an act approved February 16th, 1855, relative to the manufacture and sale of spiritous and intoxicating liquors.

Was read a third time,

Mr. Austin moved to lay the bill on the table.

Which was not agreed to.

The question being, shall the bill pass?

Pending which,

On motion by Mr. Marvin,

The House adjourned.

TUESDAY MORNING, 9 o'clock, }  
January 27th, 1857. }

The House met.

The journal was read and adopted.

#### PETITIONS, MEMORIALS AND REMONSTRANCES PRESENTED.

By Mr. Conner of Wabash,

A petition signed by sundry citizens of this State praying the passage of a law requisite for the protection of the community in regard to incompetent persons engaged in the practice of medicine and surgery, and the apothecaries' art.

Which,

On motion,

Was referred to the committee heretofore appointed on surgery.

On motion by Mr. Conner of Wabash,

A petition signed by sundry citizens of Wabash county and other citizens of this State, praying that our present interest and

usury laws be so modified as to allow and legalize a rate of interest as high as *twelve per cent.* per annum, where expressly stipulated for by the contracting parties.

Which,

On motion,

Was laid on the table.

By Mr. Evans,

A petition signed by sundry citizens of Tipton county and others of this State, praying the passage of a law directing the auditor of each county to subscribe for one copy of the School Journal for the use of his office, and also a copy of the same for the use of each of the school boards in the county.

On motion,

Referred to the committee on education.

#### REPORTS OF STANDING COMMITTEES.

Mr. Claypool, from the committee on the judiciary, made the following report:

MR. SPEAKER :

The judiciary committee, to whom was referred House bill, No. 57, entitled "a bill legalizing the acknowledgment of all deeds and mortgages and other instruments required to be recorded, taken and certified by justices of the peace, to whom commissions have been regularly issued by mistake before the expiration of the term of office of their predecessors," have had the same under consideration, and have directed me to report the same back with the following amendment, to-wit: Strike out the second section; and being so amended, they recommend its passage.

The report was concurred in, the amendment adopted, and the bill ordered to be engrossed.

Mr. Kerr, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 7, entitled "a bill to authorize and provide for the taking of appeal from the court of common pleas to the circuit court," have had the same under consideration, and instruct me to report, that they deem it inexpedient to authorize the taking of appeals from the court of common pleas to the circuit court, to be there tried *de novo*. It would have a tendency to delay justice, and to encumber, unnecessarily, the dockets of the circuit court. It is,

however, the opinion of your committee, that appeals ought to be allowed from the common pleas to the circuit court, for the purpose of correcting any error in the decision of the court below. The committee, therefore, recommend the indefinite postponement of said bill, and direct me to introduce the following bill as a substitute therefor, and recommend its passage.

The report was concurred in, and House bill No. 7, indefinitely postponed.

By Mr. Kerr.

No. 120. A bill to repeal the 13th and 20th sections of an act, entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for, the judges thereof;" approved May 14, 1852; and also to authorize and regulate the taking of appeals from the courts of common pleas.

Was read a first time, and passed to a second reading.

Mr. Colgrove, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred sundry resolutions enquiring into the expediency of amending so much of an act, entitled "an act for the regulation of weights and measures," approved June 7, 1852, as relates to the weight of onions, so as to reduce the weight thereof, from fifty-seven lbs. to forty-five lbs; also, as to the expediency of so amending said act, regulating the weight of oats, as to make the standard weight thereof, thirty-three and one-third pounds, instead of thirty-two pounds; also, to amend said act so as to make the standard weight of flax seed sixty, instead of fifty-six pounds," have had the same under consideration, and have directed me to make the following report, viz:

Your committee find that the legislature of 1855, reduced the standard weight of onions from fifty-seven to forty-eight pounds, and the committee know of no reason why said weights should be further reduced. Your committee find that the legal weight of oats, as established by the laws of this State, is the same as adopted by the statute of Ohio. The legislature of Kentucky have, however, made the legal weight thirty-three and one-third lbs. These States constitute the principal markets for this article of produce. As it is impossible to make our legislation conform to the statutes of both the aforesaid States, it becomes a question of importance, to ascertain in what direction our surplus of this commodity is sent to market. It is a conceded fact, that Ohio buys much more from us than Kentucky, and in view of this, your

committee suggest that the law upon this subject, as it agrees with that of Ohio, should be left upon the statute, without amendment.

Your committee further find, that the standard weight of flax seed, as fixed by the law of Indiana, is the same as that fixed by the statute of Ohio. Ohio constitutes almost our entire market for this important article of trade, and your committee think it inexpedient to so change our laws, as to take four pounds on the bushel, from the Indiana farmer, and give it to the Ohio speculator.

For the reasons aforesaid, your committee think it inexpedient to change the present law fixing the legal weights and measures, &c., and ask to be discharged from the further consideration of the subject.

Which report was concurred in.

Mr. Wagner, from the committee on education, made the following report :

**MR. SPEAKER :**

The committee on education, to whom was referred a resolution of the House, instructing them to enquire into the expediency of so amending the law, that the Superintendent of Public Instruction shall come into office on the second Monday of March, have had the same under consideration, and direct me to report the following bill recommending its passage:

No. 121. A bill to change the time when the State Superintendent of Public Instruction shall enter upon the duties of his office.

Which was read a first time, and passed to a second reading.

Mr. Denby, from the committee on the judiciary, made the following report :

**MR. SPEAKER :**

The committee on the judiciary, to whom was referred a resolution, directing an enquiry into the expediency of providing by law for the rights of married women when deserted by their husbands, or when their husbands have been confined in the State prison, have had the same under consideration, and directed me to report the accompanying bill, and to recommend its passage.

No. 125. A bill to vest certain rights in married women, whose husbands have left the State without making suitable provisions for their maintenance, or whose husbands are confined in the State prison.

Was read a first time, and passed to a second reading.

Mr. Denby, from the committee on the judiciary, made the following report :

MR. SPEAKER:

The committee on the judiciary, to whom was referred a resolution, directing an enquiry into the expediency of reporting a bill in relation to marks and brands of live stock, and recording the same, declaring the value or effect of such record, and also, the fees for recording, have had the same under consideration, and directed me to report the following bill, and to recommend its passage:

No. 127. A bill making the records of marks and brands evidence in civil cases.

Which was read a first time, and passed to a second reading.

Mr. Marvin, chairman of the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills, have examined engrossed bills of the House, Nos. 106 and 108, and compared them with the originals, and find them correctly engrossed, and have so instructed me to report.

#### RESOLUTIONS.

On motion by Mr. Wright,

*Resolved*, That the Doorkeeper of the House be instructed to deliver all letters to the post-office daily at 11 o'clock A. M., and 5 o'clock, P. M.

On motion by Mr. Gordon,

*Resolved*, That the committee on banks be instructed to enquire whether any, and if so, what branch or branches of the State Bank of Indiana have issued, or still continue to issue new circulation since the first day of January, 1857, and also, whether such branch or branches still continue to re-issue their bank notes after the same have been delivered up to such branch or branches by the holders thereof, with a view to the retirement of the circulation thereof, as required by the charter of said bank, and report by bill or otherwise, as may to said committee seem expedient for the purpose of best securing the rights of stockholders and of the State in the same.

On motion by Mr. Davis of Sullivan,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of so amending the law of decents, as



to modify so much thereof as relates to widows taking title in fee simple, rather than in dower.

On motion by Mr. Claypool,

*Resolved* That the committee on the judiciary be instructed to consider the propriety of repealing section 21 of an act, entitled an act for the prevention of frauds and perjuries, and requiring certain contracts to be in writing, on declaring certain conveyances, assignments, contracts and mortgages void, approved June 9, 1856, with leave to report by bill or otherwise.

Mr. Ward offered the following resolution :

*Resolved*, That when the discussion on House bill, No. 3, is resumed in this hall, no gentleman shall speak more than fifteen minutes on said bill.

Which was not agreed to.

#### HOUSE BILLS INTRODUCED.

By Mr. Wallace,

No. 122. A bill to amend the 49th section of an act, entitled "an act to provide for the opening, vacating and change of highways," approved June 17, 1852.

Was read a first time, and passed to a second reading.

By Mr. Blake,

No. 123. A bill to amend the 3d and 9th sections of the 4th article of the constitution of the State of Indiana.

Which was read a first time, and passed to a second reading.

By Mr. Williams of Knox,

No. 124. A bill to amend the 23d section of an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State; approved June 21, 1852.

Was read a first time, and passed to a second reading.

By Mr. Neff,

No. 126. A bill repealing section 7 of an act, entitled an act districting the State for judicial circuits; approved June 17, 1852.

Was read a first time, and passed to a second reading.

By Mr. Denby,

No. 128. A bill to cure defective rules made by executors or administrators, where the heirs have been notified by publication or summons.

Which was read a first time, and passed to a second reading

By Mr. Kerr,

No. 129. A bill to provide for the government and discipline of the State prison, and to repeal "an act to provide for the government and discipline of the State prison," approved March 3, 1855, and all other laws or parts of laws inconsistent herewith.

Which was read a first time, and passed to a second reading.

On motion by Mr. Moore,  
Leave of absence was granted Mr. McKinney.

On motion by Mr. Merrifield,  
Leave of absence was granted Mr. Neal.

#### ORDERS OF THE DAY.

The House resumed the consideration of

House bill No. 3. A bill to repeal an act approved February 16th, 1855, relative to the manufacture and sale of spiritous and intoxicating liquors.

Pending the discussion of which,

Mr. Grose moved to recommit with the following instructions:

"To amend by adding proper sections to regulate and restrain the sale of spirituous liquors, so as to effectually prevent the evils arising therefrom."

On motion by Mr. McDonald of Lake,  
The House adjourned.

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2 O'CLOCK, P. M.

The House met.

The consideration of House bill No. 3 was resumed.

Mr. Davis of Sullivan gave notice that, at 10 o'clock to-morrow morning, he would move the previous question.

The question being, shall the bill be recommitted with the pending instructions ?

The ayes and noes being demanded by Messrs. Crawford and Stone.

*Those who voted in the affirmative were,*

Messrs. Austin, Ballenger, Boyd, Branham, Clapp, Colgrove, Conner of Wabash, Conner of Hamilton, Crawford, Davis of Hendricks, Evans, Grose, Jefferis, Larue, Merrifield, Moon, Neal, Price, Shuman, Smith of Delaware, Steele, Stone, Todd, Van Sandt, Vawter, Wagner, Ward, Whitcomb, and Williams of Lagrange—31.

*Those who voted in the negative were,*

Messrs. Abel, Allen, Ayres, Blake, Bowman, Branson, Brown, Bryan, Carnahan, Clark, Claypool, Conduitt, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Gordon, Harrison, Hayden, Herod, Hoagland, Humphreys, Landiss, Lane, Lewis, Massey, Marvin, Modesitt, Moore, McDaniel, McDonald of Fountain, McDonald of Lake, McFarland, McGinnis, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Stillwell, Studabaker, Taggart, Trippet, Wallace, Walpole, Wiley, Williams of Knox, Williamson, Wright, Yater, and Mr. Speaker—59.

So the bill was not recommitted.

The question being, shall the bill pass,

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Ayres, Blake, Bowman, Boyd, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Claypool, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Evans, Harrison, Hayden, Herod, Hoagland, Humphreys, Landiss, Lane, Larue, Lewis, Massey, Marvin, Modesitt, Moore, McDaniel, McDonald of Fountain, McDonald of Lake, McFarland, McGinnis, Reyman, Robbins, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Stone, Studabaker, Taggart, Todd, Trippet, Vawter, Wallace, Walpole, Ward, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Wright, Yater, and Mr. Speaker—69.

*Those who voted in the negative were,*

Messrs. Austin, Ballenger, Branham, Colgrove, Conner of Hamilton, Davis of Hendricks, Gordon, Grose, Hutchings, Jefferis,

Merrifield, Moon, Neal, Price, Shuman, Van Sandt, Wagner, and Whitcomb.—18.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 72. A bill providing for the appropriation by the county commissioners, for fire engines in certain cases.

Was read a third time.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Abel, Bowman, Boyd, Branham, Branson, Brown, Bryan, Clapp, Claypool, Crawford, Cullen, Davis of Sullivan, Denby, Gordon, Hayden, Hutchings, Jefferis, Modesitt, Moone, McDonald of Lake, McFarland, Price, Stillwell, Vawter, Walpole, and Ward.—25.

*Those who voted in the negative were,*

Messrs. Adams, Austin, Ayres, Ballenger, Blake, Carnahan, Clark, Conner of Hamilton, Conner of Wabash, Conduitt, Crowe, Davis of Hendricks, Dobbins, Douglass, Duncan, Early, Edson, Evans, Grose, Harrison, Herod, Hoagland, Humpreys, Landiss, Lane, Larue, Lewis, Massey, Marvin, Merrifield, Moore, McDaniel, McDonald of Fountain, McGinnis, Neal, Reyman, Robbins, Sherrod, Shoulders, Shuman, Slicer, Smith of Bartholomew, Smith of Delaware, Steele, Stone, Studabaker, Taggart, Todd, Trippet, Van Sandt, Wagner, Wallace, Whitcomb, Wiley, Williams of Knox, Williamson, Wright, Yater, and Mr. Speaker.—58.

So the bill did not pass.

No. 106. A bill to provide for the distribution of the German edition of the revised statutes of 1852, among the several counties of the State.

Was read a third time.

The question being, shall the bill pass,

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Austin, Ayres, Ballenger, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Evans, Gordon,

Grose, Harrison, Hayden, Herod, Hoagland, Humphreys, Hutchings, Jefferis, Landiss, Lane, Larue, Lewis, Massey, Marvin, Merrifield, Modesitt, Moon, Moore, McDaniel, McDonald of Lake, McFarland, McGinnis, Neal, Price, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Shuman, Slicer, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Studabaker, Taggart, Todd, Trippet, Van Sandt, Vawter, Wagner, Wallace, Walpole, Ward, Whitcomb, Wiley, Williams of Knox, Williamson, Wright, Yater, and Mr. Speaker—83.

No member voting in the negative.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 108. A bill authorizing the appointment of special administrators, and prescribing their duties in certain cases.

Was read a third time.

Mr. Larue moved to amend as follows:

Insert in second section:

Inasmuch as there is no law in force in this State, authorizing the sale of personality of decedents, and the payment of their debts, pending cases for the contesting of wills.

Which amendment was unanimously agreed to.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Austin, Ayres, Ballenger, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crewe, Cullen, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Evans, Gordon, Grose, Harrison, Hayden, Herod, Hoagland, Humphreys, Hutchings, Jefferis, Landiss, Lane, Larue, Lewis, Massey, Merrifield, Modesitt, Moon, Moore, McDaniel, McDonald of Fountain, McFarland, McGinnis, Neal, Price, Reyman, Robbins, Schermerhorn, Sherrod, Slicer, Smith of Bartholomew, Steele, Stillwell, Stone, Studabaker, Taggart, Todd, Trippet, Van Sandt, Vawter, Wallace, Walpole, Ward, Whitcomb, Wiley, Williams of Lagrange, Williamson, Wright, Yater and Mr. Speaker—81.

*Those who voted in the negative were,*

Mr. McDonald of Lake—1.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

The Speaker laid before the House the report of the state of the branch at Richmond of the State bank of Indiana.

Was referred to the committee on banks.

The Speaker laid before the House a report of the state of the branch at Evansville, of the State bank of Indiana.

Was referred to the committee on banks.

Mr. Marvin, chairman of the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills have examined bill of the House No. 95, and have found the same correctly engrossed.

On motion by Mr. Stillwell,  
Leave of absence was granted Mr. Neff.

On motion by Mr. Denby,

House bill No. 9. A bill to amend section 22 of an act, entitled "an act for the incorporation of insurance companies, defining their powers, and prescribing their duties;" approved June 17, 1852.

Was taken from the table, with pending amendments.

On motion by Mr. Walpole,

The bill and pending amendments were indefinitely postponed.

The Speaker laid before the House a communication and report of the trustees of the Indiana University :

INDIANAPOLIS, Jan. 27, 1857.

HON. BALLARD SMITH,

*Speaker of the House of Representatives :*

SIR : I have the honor to submit to the honorable body over which you preside, the following report of the trustees of the Indiana University, supplementary to the annual report and catalogue for the academical year, 1856.

Respectfully,

W. K. EDWARDS, *President.*

On motion by Mr. Abel,

The report was laid on the table, and five hundred copies ordered to be printed.



On motion by Mr. McDonald of Lake,

House bill No. 56. A bill to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act.

Was taken from the table, and referred to a select committee of five, consisting of Messrs. Davis of Sullivan, McDonald of Lake, Crawford, Larue, and Smith of Delaware.

By unanimous consent,

Mr. Grose offered the following resolution :

*Resolved*, That the chairman of each of the committees of this House be required to report to the House, the number of clerks they may have in their employ, respectively.

Which was agreed to.

On motion by Mr. Conner of Wabash,  
The House adjourned.

WEDNESDAY MORNING, 9 o'clock, }  
January 28, 1857. }

The House met.

The journal was read and approved.

PETITIONS, MEMORIALS, ETC., PRESENTED.

By Mr. Davis of Sullivan, °

A remonstrance signed by sundry citizens of Sullivan county, against any change in their judicial district, by which they will be disconnected from the counties of Vigo and Green.

Referred to the committee on the organization of courts.

By Mr. Grose,

The memorial of James S. Ferris of Henry county, in regard to the fees of the county auditor.

Which was referred to the committee on fees and salaries.

By Mr. Evens,

From a committee on behalf of the citizens of Tipton county, in reference to completing the ditching and draining of swamp lands.

Which,

On motion,

Was referred to the committee on swamp lands.

By Mr. Wagner,

The memorial of the committee appointed by the State board of agriculture, in reference to the statistics of the State, and other matters therein set forth.

Which was referred to the committee on agriculture.

By Mr. Denby,

A petition for the relief of Nathan Rowley.

On motion by Mr. Denby,

Was referred to a select committee, consisting of Messrs. Denby, Neal, and Bethell,

By Mr. Brauon,

A petition from sundry citizens of the county of Sullivan, in reference to the rate of interest.

Which,

On motion,

Was laid on the table.

#### REPORTS FROM COMMITTEES.

Mr. Marvin, chairman of the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills, respectfully report, that they have examined engrossed bill of the House No. 57, and compared the same with the original, and find the same correctly engrossed, and have so directed me to report.

Mr. Stone, from the committee on apportionment, made the following report :

MR. SPEAKER :

The committee on apportionment, to whom was referred a resolution of the House, enquiring into the expediency of reducing the

number of senators and representatives in the several counties of the State for thirty senators and seventy representatives, have had the same under consideration, and directed me to report said reduction inexpedient.

Which report was concurred in.

Mr. Whitcomb, from the committee on claims, made the following report :

**MR. SPEAKER :**

The committee on claims, to whom was referred the claim of Elmore J. Walker, of \$201 for money expended and services rendered in arresting Sandy Holeman, a fugitive from justice, have had the same under consideration, and have directed me to make the following report, to-wit: That said Walker be allowed one hundred and eleven dollars, being the amount of money expended by him in arresting and conveying said fugitive from the State of Illinois to the Monroe county jail of this State.

Which,

On motion,

Was referred to the committee on ways and means.

Mr. Herod, from the committee on roads, made the following report :

**MR. SPEAKER :**

The committee on roads, to whom was referred House bill, No. 74, entitled "a bill to amend sections 15 and 18 of an act, entitled an act to provide for the opening, vacating and change of highways, approved June 17, 1852, and to repeal so much of said act, as gives jurisdiction over highways to township trustees," have had the same under consideration, and directed me to report the same back, and recommend its indefinite postponement.

The report was concurred in, and the bill indefinitely postponed.

Mr. Wagner, from the committee on agriculture, made the following report :

**MR. SPEAKER :**

The committee on agriculture, to which has been referred that part of the Governor's message recommending the establishment of a bureau of statistics, submit the following report:

They fully concur with the Governor in the declaration, that such a bureau might be organized and managed at an expenditure which would be inconsiderable, when compared with the value of its operations to all classes of our citizens. Among the details of

information which it would give, the Governor enumerates the following :

“The quantity of lands under cultivation, the kinds, amounts, and value, of the annual field crops; the various annual productions of orchards, gardens, and dairies, the various articles of domestic manufacture produced annually; the annual products of mechanical industry and skill; estimates of the amount and value of exports and imports; the names, locations, and population of towns and villages; the number and value of school houses and churches; the name, number, capital, and purposes, of incorporated companies, &c.”

In addition to these, may be added the details of expenditures of the several counties and townships, in carrying out the duties imposed upon them by the legislation of the General Assembly, viz: The expenditures on account of circuit and common pleas courts embracing pay of jurors, sheriffs, and bailiffs of special terms, &c.; for clerks, auditors, treasurers, and other county officers; the amount of county and township taxes, and the purposes to which the funds raised have been applied; in a word all that local statistical information, which, to so great an extent, influences the legislative action of this body. An annual report of such statistics, carefully collected and properly systematized, would be of the highest utility in directing aright the legislation of the General Assembly. It is conceded by all, that agriculture is the basis upon which the prosperity of all other occupations rest, hence its condition ought to be correctly understood. The importance of this will be more readily seen by the following statistics :

The census returns of the United States, taken in 1850, show the following comparative increase between population and leading agricultural products :

Population, increase in 10 years.....	36 per cent.
Wheat, increase in 10 years.....	20 per cent.
Corn, increase in 10 years.....	57 per cent.
Cattle, increase in 10 years.....	24 per cent.
Sheep, increase in 10 years.....	13 per cent.
Swine, increase in 10 years.....	15 per cent.

These statistics clearly indicate, that population is rapidly advancing beyond agricultural production, and that no farmer need fear low unremunerative prices from over production. But here an important question is presented, whether this low per centage of increase was caused by short crops in 1849? This question can be answered only by annual State statistics.

During the past spring and summer, it was generally believed that in the leading animal products of this State, those of cattle and hogs, a great abundance existed. The papers which most influenced prices in these products, so represented it; yet, when cattle and hogs have passed from the farmer to the speculator, a

great scarcity is ascertained to exist, and the latter is reaping the profits, from that ascertained fact.

Your auditor's report, published too late, shows that scarcity, and not abundance, existed. The decrease of cattle from 1855 to 1856, was over 16,000, and of hogs, over 319,000, and thus go to confirm the important facts exhibited by the census returns of 1850. Had certain and positive statistical information been in possession of our farmers, early in the summer, of these and other like facts, how much would their pecuniary interests have been consulted, and how much encouragement would have been given, to contend against drought, and the severities of the winter. The statistics of fruit would afford the highest encouragement to repair the losses sustained by the intense cold of last winter.

Your committee have referred to these matter of legislation and agricultural production, as instances of the utility of statistics. Others, equally beneficial to other pursuits, might be adduced, but these are sufficient to show the wisdom of the recommendation of the Governor. The cost of establishing a bureau of statistics would not be great. A commissioner, without any clerks, would be the only additional officer necessary to be created. His office could be in any of the committee rooms. The additional printing would be but little, for the State now publishes statistical lists. The salary of the commissioner should be about one thousand dollars per annum.

Heretofore, the preparation of these lists have been in charge of the Auditor of State, but that officer is already burdened with important matters so complex and various, that an enlargement of them is not advisable. To enforce the accurate collection, and prompt returns of the statistics, limited as they now are, is not in his power, much less to reduce them to a systematic arrangement, and deduce from them the important results to which they point.

Your committee are fully aware of the necessity of economy, and the desire of the House to limit the expenditures as much as is consistent with the best interests of the people. But believing, with the Governor, that the expenditure would be inconsiderable, when compared with the value of its operations, they recommend the establishment of a bureau of statistics, and for the purpose of ascertaining the wishes of the House, the committee have directed the following imperative resolution to be reported :

*Resolved*, That the committee on agriculture be instructed to report a bill establishing a bureau of statistics.

On motion by Mr. Moore,

The question was on the adoption of the resolution reported by the committee.

The ayes and noes were demanded by Messrs. Moore and Herod.

*Those who voted in the affirmative were,*

Messrs. Austin, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Bryan, Colgrove, Conner of Wabash, Conduitt, Crawford, Davis of Hendricks, Denby, Grose, Hayden, Hoagland, Jefferis, Kerr, Lane, Larue, Merrifield, McDaniel, McFarland, McGinnis, Neal, Price, Reyman, Robbins, Schermerhorn, Shuman, Smith of Delaware, Steele, Stone, Todd, Van Sandt Vawter, Wagner, Wallace, Ward, Whitcomb, Williams of Knox, Williamson, Wright, and Mr. Speaker—45.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Ayres, Branhan, Branson, Brown, Carnahan, Clapp, Clark, Conner of Hamilton, Crowe, Davis of Sullivan, Dobbins, Douglass, Duncan, Early, Edson, Evans, Harrison, Herod, Humphreys, Hutchings, Landiss, Lewis, Massey, Marvin, Modesitt, Moore, McDonald of Lake. Reese, Shoulders, Slicer, Sloss, Smith of Bartholomew, Stillwell, Studabaker, Taggart, Trippet, Wiley, and Yater.—40.

So the resolution was adopted, and the report concurred in.

Mr. McFarland, chairman of the committee on corporations, made the following report:

**MR. SPEAKER:**

The committee on corporations, to whom was referred resolution of the House, enquiring into the expediency of so amending the general law governing cities, as to prevent the city authorities from obstructing by public buildings, the public streets, and to report by bill or otherwise, have had the same under consideration, and directed me to report that further legislation is unnecessary, and ask to be discharged from the further consideration of the same.

Which report was concurred in.

Mr. McFarland, chairman of the committee on corporations, made the following report:

**MR. SPEAKER:**

The committee on corporations, to whom was referred House bill No. 84, to amend the 31st section of an act, entitled an act for the incorporation of towns, defining their powers, and declaring their duties, approved June 11, 1852, have had the same under consideration, and directed me to report the same back with the follow amendment: Strike out the words "located on any farm," in 1st section, and insert in lieu thereof the following, "or



other personal property," and when so amended, recommend its passage.

The report was concurred in, and the bill, as amended, was ordered to be engrossed.

Mr. Branham, from the committee on commerce and manufacture, made the following report:

MR. SPEAKER :

The committee, to whom was referred House bill No. 51, have had the same under consideration, and have directed me to report the same back, and recommend to strike out all after the enacting clause, and insert the accompanying bill, and when so amended, to recommend its passage.

An act to provide for, and regulate the inspection of tobacco throughout the State of Indiana.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That inspection of leaf tobacco, in hogsheads, may be had any where in the State; and warehouses for the inspection, storage and sale of tobacco, shall be constructed so as to keep safely and securely, and guard against fire and weather, as far as practicable, all tobacco stored therein, and such warehouse shall, at all time, be kept open, and in good repairs, and shall be provided with all necessary conveniences for receiving, storing, inspecting, selling, and delivering tobacco in hogsheads.

SEC. 2. The proprietor of each warehouse shall provide and continually keep in the same, and in good order, scales of sufficient size and strength to weigh at least one ton weight, which shall be tested once in every year, and oftener if necessary, by the standard weights and measures, and shall provide a sufficient number of coopers to do the coopering, and to handle tobacco stored, inspected, and sold in such warehouse, and shall provide all other necessary assistance to do all things needful in receiving, storing, inspecting, selling, coopering, and delivering tobacco. The said warehouse proprietors shall superintend the weighing of each hogshead of tobacco, and see that the empty cask is properly weighed, and that the proper numbers and weights, gross, tare and net, are marked on one of the heads of the same. They shall cause each hogshead to be uncased, and shall furnish the necessary hands to break the same.

The inspectors shall then cause it to be broken not less than three times, and oftener, if they shall deem it necessary, and shall draw samples in quality from each hogshead, not exceeding ten pounds in quantity.

SEC. 3. The proprietor shall keep a well bound book of proper size, in which shall be entered the marks, numbers, gross, tare, and net weights of each hogshead inspected, and sold, together with

the owners name, and the name of the purchaser, and the price sold for, per one hundred pounds, and the amount each hogshead sold for, and when requested to do so, collect and pay to the planters or sellers of tobacco, the sum due him. He shall make account of sales for the planters or sellers, stating the number of hogsheads, gross, tare, and net weights, and the price per hundred, and the sum each hogshead amounts to.

SEC. 4. No proprietor, or any of his agents, shall directly or indirectly be engaged in buying leaf tobacco, in the county in which his warehouse shall be situate. Nor shall any proprietor rent or suffer any portion of his warehouse to be used for the sale of tobacco, in the hogshead, except as provided in this act. The proprietor shall be liable for his agents and servants, and for the safe keeping and delivery of tobacco, except in case of fire or unavoidable accident, and shall deliver all tobacco to the owners or other persons entitled to receive the same, immediately outside the warehouse doors, within a reasonable time after demanded, at the warehouse, and presentation of the receipt to a proprietor, or his clerk, and payment or tender of the fees due on said tobacco.

SEC. 5. The proprietor of each warehouse shall enter into bond, with good security, to be approved by the judge of the court of common please of the county, and kept on file in that court, provided the approval of the clerk of said court in vacation, is authorized until the next session of that court, payable to the State of Indiana in the sum of five thousand dollars, conditioned well and truly to perform all the duties required of him by, and to conform to all the provisions of, this act. The injured party, by any violation of said act, may sue thereon by civil suit, and recover for his own benefit, as in other cases, for any injury received, and any such proprietor, who shall violate any such bond, or any provision of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not exceeding one thousand dollars.

SEC. 6. The fees to be collected by the proprietor of any tobacco warehouse in this State, shall be as follows: One dollar and fifty-five cents for receiving, weighing, coopering, marking, making out bills of sale, and paying the money to the seller, and making out and delivering the note or memorandum to the purchaser, and fifty cents storage, and twenty cents to the inspector. Of this amount, the planter or owner shall pay one dollar and twenty-five cents, when the note is made out and presented to said purchaser.

SEC. 7. That upon the application of the proprietor, or any person engaged in the construction of any such warehouse in any county in this State, the judge of the court of common pleas of such county, shall appoint two competent judges of tobacco, inspectors thereof, for said county, to hold their offices from the date of their appointment and qualifying, for one year from and after the first day of Nov. following their appointment, and until their successors are severally appointed and qualified. After said first ap-

pointment, and so long as there shall be any tobacco warehouse kept in operation in such county, and beginning with the first day of November ending the term of the first appointee, said judge of the court of common pleas, shall, on the first day of every alternate November, appoint two competent judges of tobacco, inspectors thereof, for said county, to hold their offices for the term of two years, and until their successors shall severally be appointed and qualified; and said judge of the court of common pleas, shall also, upon such original application, and at the time of all such subsequent appointments of inspectors, appoint some such competent judge of tobacco, an alternate inspector of tobacco, whose duty it shall be to act in the absence of either of the other inspectors, who shall be entitled to the same fees for discharging the duties of the office, and be subject to the same restrictions, and shall have the same powers as the other inspectors, severally. The judge of the said court, may, at any time, remove any inspector from office, for the violation of any of the provisions of this act, and shall fill all vacancies, whether occasioned by death, removal from office, resignation or removal from the country. Before entering upon the duties of their office, each inspector shall take an oath before the clerk of the court of common pleas of such county, a copy of which shall be filed in said court, that he will well and truly, and without partiality, perform the duties of tobacco inspector in such county, and comply with all the provisions of this act, during his continuance in office. The two inspectors, shall each day, when there shall be tobacco in any such warehouse ready for inspection, take notice of that fact, and shall, from 8 o'clock, A. M., till 5 o'clock, P. M., or until all such tobacco shall be inspected or withdrawn, attend to the inspection thereof, at the different warehouses in their county.

SEC. 8. The two inspectors performing the duties of the office, shall receive ten cents each, upon every hogshead of tobacco by them inspected. It shall be the duty of the inspectors, when required by the sellers or buyers, to seal the samples out of hogsheads of tobacco as made by them, with marks and numbers corresponding with those upon the hogsheads from which they were taken. They shall class the same, if required by the buyers or sellers, by placing the letter "P" on the sample, which shall represent the word, "Passed;" or the the letter "R," which shall represent the word "Refused."

SEC. 9. No planter or owner of tobacco, shall be required to take it to any warehouse, or to have the same inspected or sold at auction, at any such warehouse; but when sold at any such warehouse at auction, he may refuse to take the price at which it was cried off.

SEC. 10. If any hogshead of tobacco shall remain in the warehouse twelve months, the proprietors of said warehouse shall be entitled to one dollar extra for storage, and at the rate and at the same rate for the time it shall remain after one year, and shall be

entitled to fifty cents hereinbefore named, for storage, on all tobacco which may remain in such warehouse, for less than one year. A lien is hereby given to the proprietors of warehouses and inspectors, on all tobacco, and the proceeds thereof, for the fees and charges on the same.

Sec. 11. The proprietors of tobacco warehouses shall furnish the twine for tying samples, and cards of good paste board, with the name of the house printed thereon, to be tied on said samples, and they shall also furnish a stamp of tin, brass, or copper, which shall be marked with the name of the warehouse, and with the words "tobacco inspection" preceded by the name of the county, or of the principal or any other town of the county, and the same shall be stamped on one of the heads of each hogshead of tobacco sold in said warehouse.

Sec. 12. No proprietor, or his agent, of any such warehouse, shall sell, or suffer to be sold, by sample at public outcry, any tobacco in hogsheads, unless said tobacco has been inspected by the regular appointed inspectors of tobacco in such county.

Sec. 13. The following shall be the forms of the note or memorandum and receipt, to be made out and signed by the proprietor of such warehouse for each hogshead of tobacco sold and weighed by him:

This, \_\_\_\_\_ day of \_\_\_\_\_, 18—, \_\_\_\_\_ weighed and sold for \_\_\_\_\_, in hogsheads of leaf tobacco, No. \_\_\_\_\_ marks \_\_\_\_\_ gross \_\_\_\_\_, tare \_\_\_\_\_, net \_\_\_\_\_, price\_\_\_\_\_.

Witness \_\_\_\_\_ hand, the date above mentioned.

To which the names of the managers or proprietors of the warehouse, shall be written by himself, or some person authorized by him.

\_\_\_\_\_ received from \_\_\_\_\_ the above hogshead, to be delivered to him or his assigns, when demanded, at warehouse in \_\_\_\_\_, upon presentation of this note or a receipt, and upon payment of warehouse fees.

This, \_\_\_\_\_ day of \_\_\_\_\_, 18—.

Said note shall be assignable, by endorsement or delivery, and such assignment shall pass the title to the tobacco described therein.

Sec 14. All acts and parts of acts, in conflict with the provisions foregoing, are hereby repealed.

The report was concurred in, and the bill as amended was ordered to be engrossed,

Mr. Larue, from the committee on fees and salaries, made the following report:

MR. SPEAKER:

The committee on fees and salaries, to whom was referred the the following resolution: *Resolved*, That the committee on fees

and salaries be instructed to enquire into the expediency of deferring an increase of salary of any of the officers of this State, ( the Governor's office excepted) during the present session, and until the subject can be submitted to the sovereign people of the State, have had the same under consideration, and beg leave to report, that, in their opinion, since the adoption of the constitution of 1852, the sovereigns speak through their representatives, they therefore, recommend that the subject of the resolution be indefinitely postponed.

Which report was concurred in.

Mr. Stillwell, chairman of the committee on fees and salaries, made the following report :

MR. SPEAKER :

The committee on fees and salaries, to whom was referred the resolution from the House, instructing an enquiry into the expediency of amending an act relative to fees allowed to jurors before justices of the peace, as to allow one dollar per day, have had the same under consideration, and have directed me to report, that, in their opinion, it is inexpedient to legislate upon the subject at this time.

Which report was concurred in.

#### RESOLUTIONS.

Mr. Conner of Wabash offered the following preamble and resolution :

WHEREAS, A select committee of five has been appointed, whose duty it is to ascertain the number of Clerks and assistants, the number of Doorkeeper and assistants, and Messengers and others employed by this House, and the standing committees thereof ; therefore,

*Resolved*, That the Clerk of this House, the Doorkeeper of this House, the Sergeant-at-Arms of this House, and the chairman of each of the respective standing committees of this House, each, severally, be directed to furnish said committee with a statement in writing, containing the names and number of persons under their employ, respectively, and the service performed by the several persons as soon as practicable.

The ayes and noes were demanded by Messrs. Neal and Shoulders.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Austin, Ayres, Batterton, Bethell, Bowman, Boyd, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Clay-

pool, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Duncan, Early, Edson, Evans, Grose, Hayden, Herod, Hoagland, Hutchings, Jefferis, Landiss, Lane, Massey, Merrifield, Modesitt, Moore, McDonald of Lake, Neal, Price, Reyman, Robbins, Sherrod, Shoulders, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Stone, Studabaker, Taggart, Todd, Trippet, Van Sandt, Vawter, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Wright, Yater, and Mr. Speaker—66.

*Those who voted in the negative were,*

Messrs. Blake, Crowe, Cullen, Douglass, Harrison, Humphreys, Larue, Lewis, Marvin, McFarland McGinnis, and Reese—12.

So the resolution was agreed to.

Mr. Price offered the following resolution:

*Resolved*, That the use of this Hall be granted to O. S. Fowler, on Friday evening next, to deliver a temperance lecture in.

The ayes and noes were demanded by Messrs. Humphreys and Davis of Sullivan.

*Those who voted in the affirmative were,*

Messrs. Austin, Ballenger, Batterton, Boyd, Carnahan, Clapp, Claypool, Colgrove, Conner of Hamilton, Crawford, Davis of Hendricks, Denby, Duncan, Evans, Grose, Hayden, Hutchings, Jefferis, Marvin, Merrifield, Modesitt, Neal, Price, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stone, Van Sandt, Vawter, Wagner, Wallace, Ward, Whitcomb, Williams of Lagrange, Wright, and Mr. Speaker.—37.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Ayres, Blake, Bethell, Bowman, Branson, Brown, Bryan, Conner of Wabash, Conduitt, Crowe, Cullen, Davis of Sullivan, Dobbins, Douglass, Early, Edson, Harrison, Herod, Hoagland, Humphreys, Landiss, Larue, Lewis, Massey, Moore, McDonald of Lake, McFarland, McGinnis, Reese, Reyman, Robbins, Sherrod, Shoulders, Shuman, Slicer, Stillwell, Studabaker, Todd, Trippet, Wiley, Williams of Knox, Williamson, and Yater.—45.

So the resolution was not agreed to.



Mr. Dobbins offered the following resolution :

*Resolved*, That the committee on county and township business be instructed to enquire into the expediency, of so changing the law in relation to supervisors of highways, that they shall serve one year without receiving pay, provided, that said person so serving shall be exempt from working on the road for the succeeding year for such services, and report by bill or otherwise.

Which was not agreed to.

Mr. Humphreys offered the following resolution :

*Resolved*, That a committee of three, on the part of this House, be appointed to act with a similar committee on the part of the Senate, to receive from the late Auditor, and deliver to the present Auditor of State, the banking department of that office, and that they be authorized to appoint a sub-committee, to act during the sitting of the House, and that said sub-committee report upon oath to the legislature the result.

Which was not agreed to.

On motion by Mr. Conduitt,<sup>3</sup>

*Resolved*, That the superintendent of the asylum for the education of the deaf and dumb, and also, the superintendent of the asylum for the education of the blind, are respectfully invited to give exhibitions of the proficiency of the pupils under their care, respectively, before the members of this General Assembly.

*Resolved further*, That the Clerk of this House be instructed to inform the superintendents of the asylums for the education of the deaf and dumb and of the blind, of the passage of this resolution, and report to this House the time at which it will be convenient for them to hold such exhibitions.

On motion by Mr. Lane,

*Resolved*, That the president of the State bank of Indiana be instructed to report to this House, as soon as practicable, the amount of the sinking fund now loaned on mortgage security, and the amount on loan in each county in this State.

Mr. Grose offered the following resolution :

*Resolved*, That the committee on fees and salaries enquire into the propriety of allowing county auditors better compensation for their services, pertaining to the collection and disbursement of the school fund.

Which was not agreed to.

## BILLS INTRODUCED.

By Mr. Wagner,

No. 130. A bill to create the judicial circuit of the State of Indiana.

Which was read a first time, and passed to a second reading.

By Mr. Lane,

No. 131. A bill authorizing the board of trustees of the several townships in the State, to condemn and hold lots and lands for the erection of school houses, prescribing the mode of condemnation, and matters properly connected therewith.

Which was read a first time, and passed to a second reading.

By Mr. Marvin,

No. 132. A bill to amend an act, entitled "an act declaratory of the law regulating marriages, and enforcing the provisions thereof, by proper penalties," approved March 5, 1852.

Which was read a first time, and passed to a second reading.

By Mr. Smith of Bartholomew,

No. 133. A bill to prescribe the mode of selecting petit jurors in the courts of common pleas, and repealing of all laws contravening the provisions of this act.

Which was read a first time, and passed to a second reading.

By Mr. Blake,

No. 134. A bill to amend the first section of an act, entitled an act providing for the incorporation of bridge companies, approved March 9, 1852," so as to authorize bridge companies to construct embankments across low bottoms, and receive toll.

Which was read a first time, and passed to a second reading.

By Mr. Hayden,

No. 135. A bill to amend justice's act.

Which was read a first time and passed to a second reading.

By Mr. Blake,

No. 136. A bill to declare the effect of payment to heirs, legatees and distributees, of their shares of the estates of persons deceased.

Which was read a first time, and passed to a second reading.

By Mr. Neal,

No. 137. A bill to further public justice, by making some changes in the law governing the trial in criminal cases.

Which was read a first time and passed to a second reading.

## ORDERS OF THE DAY.

A message from the Senate by Mr. Harvey, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have adopted the following resolution :

*Resolved*, That a select committee of three be appointed to act in conjunction with a like committee, on the part of the House of Representatives, to inquire in reference to, and report to the Senate, a plan for the better heating and ventilating of the hall and Senate chamber, and that the House of Representatives be requested to concur in this resolution.

That Messrs. Murray, McLean, and Burke are appointed said committee on the part of the Senate.

The resolution contained in the foregoing message was concurred in, and Messrs. Davis or Sullivan, McGinnis, and Williams of Lagrange, were appointed said committee on the part of the House.

## HOUSE BILL ON SECOND READING.

No. 109. A bill to amend the 25th section of an act, entitled "an act regulating descents and the apportionment of estates," approved May 14th, 1852.

Was read a second time,

And,

On motion by Mr. Studabaker,

Referred to the committee on the judiciary.

No. 110. A bill for the more uniform mode of doing township business, and to repeal all former laws in reference thereto.

Was read a second time

And,

On motion by Mr. Herod,

Referred to the committee on county and township business.

No. 111. A bill to provide for the annexation of incorporated towns to incorporated cities, and for the consolidation or union of incorporated towns and incorporated cities.

Was read a second time, and ordered to be engrossed.

No. 112. A bill more effectually to protect the holders of the notes or bills of banking institutions, and providing penalties in cases of failures of banks.

Was read a second time,

And,

On motion by Mr. Bronson,

Referred to the committee on rights and privileges of the inhabitants of the State.

No. 113. A bill providing that lands delinquent for taxes, be forfeited to the State, and made school lands, instead of being sold for taxes to speculators.

Was read a second time.

On motion by Mr. Williams of Lagrange,

Referred to the committee on ways and means.

No. 114. A bill to provide for the construction of a furnace, and the necessary apparatus for the heating of the State House.

Was read a second time,

And,

On motion by Mr. Wagner,

Referred to the joint committee appointed this morning.

No. 115. A bill declaring what a seal is, in contemplation of law, requiring deeds of conveyance to be sealed, and declaring the meaning of such laws.

Was read a second time,

On motion by Mr. Douglass,

Referred to the committee on the judiciary.

No. 116. A bill to require county treasurers to collect from the clerk of the circuit court and justices of the peace, in their respective counties, all unclaimed fines and fees.

Was read a second time,

And,

On motion by Mr. Douglass,

Referred to the committee on education.

No. 117. A bill to amend the 9th section of an act, entitled "an act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855.

Was read a second time.

On motion by Mr. Hoagland,

Referred to the committee on fees and salaries.

No. 118. A bill to enable the common councils of the several incorporated cities of this State, to prescribe by ordinance, the time within which the annual assessments for city purposes shall be made, and the rolls thereof returned, and the time within which the city tax rolls or duplicates shall be made and delivered to the collecting officers; and also, the time within which such collecting officers shall make their collections and returns.

Was read a second time,

And,

On motion by Mr. Larue,

Referred to the committee on corporations.

No. 119. A bill regulating the fees of county auditors.

Was read a second time,

On motion by Mr. Crowe,

Referred to the committee on fees and salaries.

No. 120. A bill to repeal the 13th and 20th sections of an act, entitled an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for, the judges thereof, approved May 14, 1852, and also to authorize and regulate the taking of appeals from the courts of common pleas.

Which was read a second time, and ordered to be engrossed.

No. 121. A bill to change the time when the State superintendent of public instruction shall enter upon the duties of his office.

Was read a second time, and ordered to be engrossed.

No. 122. A bill to amend the 49th section of an act, entitled an act to provide for the opening, vacating and change of highways; approved June 17th, 1852.

Was read a second time.

On motion by Mr. Branson,

Referred to the committee on county and township business.

No. 123. A bill to amend the 3d and 9th sections of the 4th article of the constitution of the State of Indiana.

Was read a second time,

On motion by Mr. Blake,

Referred to the committee on the judiciary.

No. 124. A bill to amend the 23d section of an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisors of real property, county treasurers and auditors, and of the Treasurer and Auditor of State.

Was read a second time,

On motion by Mr. Williams of Knox,

Referred to a select committee of five, consisting of Williams of Knox, Humphreys, Hayden, Carnahan, and McDonald of Lake.

No. 125. A bill to rest certain rights in married women, whose husbands have left the State without making suitable provisions for their maintenance, or whose husbands are confined in the State prison.

Was read a second time, and ordered to be engrossed.

No. 126. A bill repealing section 7 of an act, entitled an act districting the State for judicial circuits; approved June 17th, 1852.

Was read a second time,

On motion by Mr. Grose,  
Referred to the committee on the organization of courts.

No. 127. A bill making the records of marks and brands evidence in civil cases.

Was read a second time, and ordered to be engrossed.

No. 128. A bill to cure defective sales made by executors or administrators, where the heirs have been notified by publication or summons.

Was read a second time,

On motion by Mr. Studabaker,  
Referred to the committee on the judiciary.

On motion by Mr. Carnahan,  
The House adjourned.

2 O'CLOCK, P. M.

House met.

By unanimous consent,  
Mr. Steele offered the following resolution :

*Resolved*, That the committee on ways and means examine and report to this House, whether, in their opinion, the present office of Treasurer of State, and vault of said office, is sufficient and secure to the State and owners of bonds, and moneys that may be deposited there. If not, to recommend what alterations or additions are necessary for the perfect security of the above named funds, and comfort and convenience of the Treasurer.

Which was agreed to.

By unanimous consent,  
Mr. Moore offered the following resolution :

*Resolved*, That the Auditor of State be required to report to this House at as early a day as practicable, the name and place of business of each bank now doing business in the State of Indiana,

H. J.—18.



under the general banking law, approved May the 28th, 1852, the amount of circulation issued to each of said banks, and the date thereof, the amount and kind of security deposited as a pledge for the redemption of the issues of said bank, and when deposited, and what bank or banks of any now doing business, have failed to comply with each and all the provisions of said general banking law.

Which was not agreed to.

Mr. Blake, from a select committee, to whom was referred House bill No. 27, "a bill to provide for the public printing and for the compensation therefor," made the following majority report:

MR. SPEAKER :

The majority of the committee, to whom was referred House bill, No. 27, in reference to public printing, have had the same under consideration, and recommend its indefinite postponement.

The question being, shall the report be concurred in?

The ayes and noes were demanded by Messrs. Grose and Crawford.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Ayres, Bethell, Blake, Bowman, Branson, Brown, Carnahan, Clark, Claypool, Conduitt, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Early, Edson, Evans, Harrison, Hayden, Herod, Hoagland, Humphreys, Landiss, Lane, Lewis, Massey, Marvin, Modesitt, Moore, McDaniel, McDonald of Fountain, McDonald of Lake, McFarland, McGinnis, Reese, Reymann, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Steele, Stillwell, Stone, Studabaker, Taggart, Trippet, Wallace, Walpole, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Wright, Yater, and Mr. Speaker—62.

*Those who voted in the negative were,*

Messrs. Austin, Ballenger, Boyd, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Davis of Hendricks, Duncan, Grose, Hutchings, Jefferis, Larue, Mercer, Merrifield, Neal, Price, Shuman, Sloss, Smith of Delaware, Todd, Wagner, Ward, and Whitcomb—24.

So the majority report was concurred in, and the bill indefinitely postponed.

Mr. Merrifield, from a select committee, to whom was referred House bill, No. 27, made the following minority report :

The undersigned, a minority of the special committee on printing, to whom was referred House bill, No. —, having had the same under consideration, and differing in opinion with the majority of said committee, submit the following report :

Under the present law, the public printing is done by the State printer—at rates of compensation established by law—all measurements and estimates to be made by the Secretary of State.

The bill under consideration, proposes to abolish the office of State Printer, and to let out the public printing by contract every four years, to the lowest responsible bidder. It also proposes to have the work measured, judged, and estimated, by men practically acquainted with the business, instead of the Secretary of State.

The following are some of the reasons which may be urged in favor of the proposed changes :

*First.* The office of State Printer is unnecessary. The duties of the office are entirely mechanical, and there is no more reason, we conceive, for the existence of such an office, than for that of a State Architect, a State Paper Maker, &c.

*Second.* The proposed changes, it is believed, would materially reduce the expenditures for this purpose. It is believed that the rates now paid are much higher than is usually paid for the same kind of work at private contract, and that if let out in the manner provided for in this bill, it would probably be done for 25 per cent. less than the present rates.

*Third.* The bill, should it become a law, would open the whole matter to a fair competition, and give every printer in the State an opportunity of bidding for the same, instead of placing it in the hands of some partisan favorite, who, as sometimes happens, is not a practical printer.

It may be remarked in this connection, that although there may have been good reasons for the creation of the office of State printer, at the time it was established, those reasons no longer exist. At that time, most of the printing and publishing establishments in the State were small, and not in a condition to do the work of the State without an outlay of expenditure, which few would have deemed it prudent to make without the safeguard of this office. But at the present time, there are many large establishments in the State, well supplied with material, the owners of which would readily enter into a competition for the work, if an opportunity were offered.

In conclusion, the undersigned, believe the bill is right in principle, that it would do injustice to no one, and that it would result in a large annual saving to the State, would recommend it to the favorable consideration of the House.

Mr. McFarland, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred House bill No. 37, an act creating the seventeenth circuit, and providing for the election of a judge and prosecutor thereof, have had the same under consideration, and have directed me to report the same back to the House, and recommend its reference to a special committee, with instructions to enquire into the expediency of re-districting the State into judicial circuits.

Which report was concurred in.

And,

The following committee was appointed by the Speaker: Messrs. Edson, Kerr, Hayden, McFarland, Gordon, Claypool, Neff, McDonald of Fountain, McDonald of Lake, Studabaker, Conner of Wabash, Larue, and Colgrove.

On motion of Mr. Larue,

Messrs. Schermerhorn and Cullen were added to the committee on fees and salaries.

#### ORDERS OF THE DAY.

##### *House Bills on Second Reading.*

No. 129. A bill to provide for the government and discipline of the State prison, and to repeal "an act to provide for the government and discipline of the State prison," approved March 3, 1855, and all other laws or parts of laws inconsistent herewith.

Was read a second time.

And.

On motion by Mr. Douglass,

Referred to the committee on State prison.

#### HOUSE BILLS ON THIRD READING.

No. 95. A bill to provide for the safe keeping of the public money, and of bonds and other securities entrusted to the care of certain officers.

Was read a second time.

Mr. Smith of Bartholomew moved to commit the bill to the committee on the judiciary, with the following instructions:

*Provided*, However, that the said officers shall not be deprived of the privilege of depositing the funds in his hands, in any bank or other place of safe-keeping, nor from exchanging any such funds, if he may deem it necessary.

Which was agreed to, and the bill and instructions so committed.

No. 57. A bill legalizing the acknowledgment of all deeds and mortgages and other instruments required to be recorded, taken and certified by justices of the peace, to whom commissions have been regularly issued by mistake before the expiration of the term of office of their predecessors.

Was read a third time.

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Ayres, Batterton, Bethell, Blake, Boyd, Branham, Branson, Brown, Carnahan, Clapp, Claypool, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Hendricks, Denby, Dobbins, Douglass, Duncan, Early, Edson, Evans, Grose, Harrison, Hayden, Herod, Hoagland, Humphreys, Hutchings, Jefferis, Landiss, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moore, McDaniel, McDonald of Fountain, McDonald of Lake, McFarland, McGinnis, Neal, Price, Reese, Reyman, Ricketts, Schermerhorn, Shoulders, Shuman, Slicer, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Stone, Studabaker, Taggart, Todd, Van Sandt, Vawter, Wagner, Wallace, Walpole, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Wright, Yater, and Mr Speaker—82.

No member voting in the negative.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

The Speaker laid before the House the following communication from the Superintendent of the Indiana institute for the education of the blind:

INDIANA INSTITUTE FOR THE EDUCATION OF THE BLIND, }  
Indianapolis, January 28, 1857. }

HON. BALLARD SMITH,

*Speaker of the House of Representatives:*

SIR: In reply to the resolution of the House, asking the time when it may be convenient for the Superintendent of this institute to give an exhibition of the proficiency of the pupils, I would say

that the evening of the 12th of February would be a convenient time to him.

Respectfully,

W. C. LARRABEE.

The Speaker laid before the House the following communication and report :

HON. BALLARD SMITH,

*Speaker of the House of Representatives :*

DEAR SIR : I have the honor to present herewith, the Fifth Report of the Superintendent of Public Instruction, to be laid before the House of Representatives.

Yours truly,

CALEB MILLS, *Superintendent*

INDIANAPOLIS, JAN. 28, 1857.

*To the General Assembly*

*of the State of Indiana :*

Among the varied duties assigned the Superintendent of Public Instruction, the 116th section of the revised school law, specifies the following : " He shall present an annual report, containing a brief exhibit of his labors, the result of his experience and observation, noticing any imperfection in the operation of the system, and suggest the appropriate correction." The field thus summarily commended to his exploration and report, is certainly one of ample extent, and abounding with materials of a very suggestive type. In the execution of a commission so comprehensive in its character, so important in its bearings, and so permanent in its results, it will be readily seen that the duty imposed not only admits, but even authorizes and demands the introduction and discussion of a wide range of topics, and also justifies a latitude and freedom of remark, of ample scope and character.

Before entering on the work of a special detail of the labor performed, the workings of our educational system, the modifications and supplementary provisions, that experience would suggest, it may not be inappropriate to remark, that the signs of progress are both manifest, indubitable and of a most cheering aspect. If any skepticism on this point exists, a comparison of the educational condition of our commonwealth in eighteen hundred and forty-six, with that of eighteen hundred fifty-six, will be sufficient to dissipate all doubts and uncertainty in the premises. Within this decade a new constitution has been adopted, whose educational features, at least, are more in sympathy with the spirit of the age, than those of its venerable predecessor, more in accordance with the genius of our institutions, and the developments of experience, and more in harmony with the great fundamental principles that

underlie and support our fabric of self-government. A glance at the educational position and progress of the State, anterior to the aforesaid decade, may not be without its significance and aid in the adjustment of the question of real and substantial advancement.

At the beginning of that period, there was no *general* provision for tuition beyond the income of the school funds, which, at the best, was but the merest pittance. This modicum was the only *annual* monetary exponent of the educational interest of the State as a commonwealth, the sole pecuniary provision she had made for so noble a purpose, so philanthropic and patriotic an enterprise. All else, depended on individual generosity and personal zeal. There was no equitable and efficient local method of erecting school houses, and making those structures what they ought to be, a comfort to youth and an ornament to their respective localities. Advancement in that direction depended on private enterprise, taste, and liberality. Township libraries had no existence. There was no State Teacher's Association, for self-improvement and general professional development, nor educational periodical to record the results of the past, or herald current progress in this department. There was no wise and adequate supervision of the educational interests of either township, county, or commonwealth.

It is not claimed that all the above specified negatives of the former period, have been converted into efficient and adequate realities, within the brief period that has elapsed since the revision of our fundamental law. Though much remains to be done, yet it is a matter of rejoicing and cheering hope, that a commencement of a thorough character, and in the right direction, has been made. Under the auspices of our new constitution, an era, more significant of the spirit of progress, has been inaugurated. The great and noble principle, that the State, in her sovereign capacity and maternal character, will furnish the means for the education of her youth, irrespective of corporation lines, has been wisely imbedded in the very center of that fundamental law. It is a source of no slight gratification, to know that this element of intellectual growth, this instrument of mental and moral development, is not at the mercy of ignorance, nor subject to the caprice of prejudice and selfishness. It has been happily placed as far beyond their reach and above their control, as constitutional guardianship could place it. On all the points above indicated, progress has been realised and results reached, directly or indirectly, that justify the most sanguine hopes. What these elements are, the character and extent of their incorporation into our educational system, will be more fully developed and discussed in a subsequent part of this report.

It may be proper to state, in the outset, that the Superintendent has visited every county seat in the commonwealth, and addressed his fellow citizens on the subject of "our school code, its principles



and results." In that discussion, it was intended to present a full and candid exhibit of its merits and deficiencies, to demonstrate the reality of the former, and suggest the appropriate remedy for the latter. With what success that mission was executed, it does not become him to indicate. The programme of exercises, connected with that tour of county visitation, will disclose, at least, the extent of the labor, and the character of the purpose that prompted it. The county auditors were requested to notify the township trustees, that the superintendent wished to meet them, on a given day, at the court house, and have an interview with them for one or two hours in the forenoon, address them and their fellow-citizens at large, in the afternoon, and the youth at night. The aforesaid programme indicates the nature and extent of the labor performed in most of the counties. In a few counties, circumstances modified the order and curtailed the extent of the above exhibit, compelling the substitution of the lecture to youth for the speech, and *visa versa*. From this expose it will be evident, that it is not the Superintendent's fault, if he has not addressed crowds of citizens in every county in the State, on a theme second to no other in its social, moral, and political bearings; if he has not also seen every one of the trustees of our nine hundred and forty townships, and spent an hour or more in familiar conference with those two thousand eight hundred and twenty functionaries, charged with the supervision of the educational interests of their respective corporations. The response which this invitation received from the township boards, was various, indicative, in some instances, of a zeal and devotion of the most commendable character; in others, of a negligence and apathy of the most unquestioned type. The facts were too manifest, and the case too palpable, to admit of any other construction, in some instances. In several cases, the attendance was materially affected by circumstances that forbid it being regarded as the true index of their educational zeal. In two instances, the communications failed to reach the auditors, and in both cases those officers, when apprised of the failure, did all in their power to remedy the deficiency of timely notice. Two auditors unfortunately mislaid or forgot the communication, and consequently failed to notify the trustees of the contemplated meeting. In several other counties, from the brevity of the period between the reception of the notice by the auditor, and the time appointed for the interview, intelligence of it did not reach all the trustees in season to admit of their attendance. In four counties, Union, Switzerland, Monroe, and Hendricks, every township was represented. Of these, Monroe furnished the largest deputation. The method adopted by her auditor was both unique and original, and it suggests the propriety of statutory provision, beyond a simple invitation, to secure the attendance of trustees at these county visitations. Why require the Superintendent to visit *every county* in the State, and hold him *recr*eant to his duty if he fail to do it, and leave it to the convenience, inclina-

tion, or caprice of the township boards, to determine whether they will favor him with their presence? The impulsive power of a subpœna would not injure the feelings nor persons of the staunch friends of education, but it might be of great service to quicken the zeal of such of the trusteeship as have the reputation of being feeble in the faith. Its benefits would not be confined to this class of officers merely, but even others might feel its reflective influence, and find it an admirable prescription for treacherous memories and sluggish movements.

It is obvious that such interviews of the Superintendent with the township trustees, must be productive of the happiest results. Their tendency would be to bring these functionaries into a more cordial sympathy with each other, as well as furnish the former an opportunity to impart much valuable information to the latter, solve their doubts, quicken their flagging zeal, cheer their desponding spirits, and awaken fresh enthusiasm in this arm of the educational corps. Such an official interchange of thought and comparison of experience, on the part of the trustees, would not only give the Superintendent an insight into the real workings of the system, and bring to light latent defects, which might otherwise escape his notice and elude his search, but it would also sharpen the intellectual perception, strengthen the moral courage, and impart new life and vigor to the subsequent action of these township authorities themselves. Such has been the result of the last year's experience, to a greater or less extent, to both trustees and Superintendent, notwithstanding the many disadvantages under which that experience has been reached. It is also evident that these interviews must prove a rich and reliable source of information to all who wish to ascertain the real character of our educational system, its legitimate workings, and ultimate results. A careful study of our code, from this stand point, will dissipate many doubts and objections which have their origin in the surmisings of ignorance, the conjectures of prejudice, or imaginings of selfishness.

The sole aim and purpose of the suggestions that may follow, will be to introduce nothing that does not either rest on the firm and immutable basis of experience, or can be demonstrated to be a legitimate sequence, or a natural concomitant of the principles underlying our school code. Fancy should not usurp the place of fact, nor speculation assume the authority of experience in educational matters. Theory, that has no correspondence with reality, may justly be discarded; but it is no mark of wisdom, no evidence of sagacity, no proof of progress, to reject that as idle theory, or visionary speculation, which elsewhere, under similar circumstances, has become a sober fact, a blessed reality. The croakings of ignorance, the carpings of prejudice, the sneers of self conceit, and the anathemas of inflated arrogance are harmless missiles. While they may provoke a smile and awaken pity, they also illustrate the value and necessity of an education that will emancipate the unfortunate victims of such thralldom. Let no one be dis-

turbed by opposition originating from such sources, such dust only indicates the passage of the train of real progress and substantial reform. Perseverance, in a wise course of effort, will ultimately correct all these misapprehensions, silence such cavils, and convert all, but the incorrigible, into staunch and reliable advocates of a system, that demonstrates the soundness of its principles by the efficiency of its action.

Sufficient time has elapsed, since the inauguration of our present educational policy, to teach results that may be regarded as reliable data, from which to ascertain both its true merits and real defects. Information, of the most reliable character on these points, has been obtained from personal conference with trustees, gathered from the current correspondence of the department, elicited by special enquiry and inferred from divers points of reference and appeal, as well as from careful observation. It is proper to remark, in this connection, that results substantially similar and of a satisfactory character have been reached in all parts of the State, wherever the system has been subjected to a fair, candid, and consistent test, and that the difficulties, that may have arisen and the failures and disappointments, that may have occurred in some localities, can be traced almost invariably to a manifest perversion of the principles, or an utter disregard of the obvious spirit and import of the provisions of the statute. These gross departures from the true intent of its mission have indeed marred its usefulness in those localities where they have occurred, but the system is not properly accountable for such results, however disastrous they may have been. The brevity of the period of tuition, hitherto enjoyed in our schools, is not a necessary result of the principles on which the system rests, but the legitimate consequence of a failure to give them ample scope. Emancipate it from the thralldom of a one mill tax, and it will not only vindicate its claim to the confidence and support of the friends of education, but it will also demonstrate its competency for the work assigned.

#### CHARACTERISTICS AND RESULTS OF THE TOWNSHIP FEATURE.

The township feature of supervision and control may properly be regarded as a fit corner stone of an efficient system of popular education. Its happy results cannot fail to commend it to the confidence of all who desire to see our youth properly trained, morally and intellectually, for their coming responsibilities. It is justly responsible for no disappointment manifestly originating from gross perversion of its principles, or an utter disregard of its obvious purpose. In theory, it contemplates the educational interests of the township being committed to three of the most intelligent, zealous, and experienced individuals in the corporation, men whose prompting motive will not be the per diem compensation, but the impulsive power of whose administration will be seen to

be something higher, purer and more patriotic. Any lack of correspondence in our experience with this theory, may be readily traced to that pseudo economical blunder, committed in the outset, and not corrected in the revision of 1855. It must be confessed that our school code practically admits, and almost inevitably involves a serious departure from the aforesaid theory, by the union of other municipal duties with the supervision and control of the educational interests of the corporation. This fusion of functions has proved anything but desirable, and the results of the past four years prove anything but its wisdom and economy. It is nothing short of a sad blemish, a serious defect, a radical oversight, which cannot be too speedily erased from the statute. Were this mistake corrected and the school trustees a separate, distinct and independent body, charged with these interests solely, very different results would be reached in many of our townships. Let the municipal and educational trustees be distinct boards, and then the people can select men to fill these offices with reference to their fitness for the specific duties they involve. There is no economy of either time or funds in the union, but often the reverse. The spheres are very unlike and the duties are correspondent. There is not much affinity between taking care of the poor and employing a teacher. There is not such a striking similarity in the duties of supervising the roads and the visitation of the schools, or the erection of school houses, as to require the union of these dissimilar responsibilities in the same board. With equal propriety and wisdom might the functions of the justice of the peace and the constable be condensed into one dignitary with capacity enough for both.

The suggestions on this point, made in the third report of this department have lost none of their pertinence and weight, and the experience of the two years that have elapsed, has only confirmed their wisdom, demonstrated their soundness and illustrated the necessity of their adoption. Had those suggestions been carried out in their practical bearings, and incorporated in the revised school law of 1855, the unfortunate results of their disregard would have been avoided in many townships. Men would not have been elected school trustees, whose interest in education was of such a negative character as to permit them to leave school houses unbuilt, because they had not the firmness to levy the necessary tax, compel districts to procure their own teachers, or go without schools, in order to save themselves the trouble and labor of that duty, apportion the school funds to the per capita principle, or divide them on the horizontal basis of equality, in utter disregard of the requisitions of the 27th section of the revised school law, suffer the township libraries to remain in the county auditor's office for years undisturbed, or shut them up in some obscure place and permit them to be seen and taken out only once in two weeks. There should be no statutory apology for such results, nor legal contingencies for such disasters. These infelicities are not the

egitimate results of the township feanture of control, but the appropriate fruits of our superior wisdom in improving it.

Though the principle did not originate with us, its character and wisdom having been thoroughly tested by the experience of several townships in the Bay State for a series of years, during the first half of this century, yet Indiana has the unquestioned honor of being the first State in the Union to incorporate it into her educational code, and she has also had the satisfaction of seeing an older sister imitate her example. The legislature of 1852, wisely concluded that in giving statutory form and authority to the following article of our new constitution, viz: "Knowledge and learning generally diffused throughout a community, being essential to the preservation of a free government; it shall be the duty of the General Assembly to encourage, by all suitable means, moral, intellectual, scientific and agricultural improvement, and to provide by law, for a general and uniform system of common schools, wherein tuition shall be without charge and equally open to all," they could not more happily and effectually embody the spirit of that portion of the fundamental law of the commonwealth, than by the incorporation of a township element into our new educational code. There is no one feature of our school system in more striking and manifest harmony with the aforesaid article of our constitution, than the one under consideration. What nearer approximation to uniformity could there be in this elementary republic, than the supervision and control of its schools by a board chosen for this express purpose? What happier device could be adopted to secure a wise and judicious selection of teachers and a competent and reliable supervision of the schools? What method more just and equitable could be devised to ensure an equal participation of the educational blessings provided by the State, on the part of all the youth of the corporation, than the provisions of the 27th section?

There is also a striking harmony and resemblance in the fiscal arrangements of the townships and the State to meet their respective educational obligations. As the superior corporation, the commonwealth, furnishes the pecuniary means for tuition, irrespective of township lines, or county boundaries, so the inferior body politic, the township, should provide the physical accommodations on the same principle. If the tuition be furnished by a tax on the property and polls of the State, wherever they be found, and the proceeds of that assessment be disbursed, wherever the intellects and hearts, to be developed and cultivated, may be located, then the school houses, repairs, furniture, and fuel, should be provided at the expense of the property and polls of the township, without regard to district, metes and bounds.

These two cardinal features of our educational system are most emphatically its crowning glory and excellence, challenging alike the admiration and imitation of sister commonwealths. Under their operation the odious rate bill, or individual subscription, be-



comes unknown; unequal burdens and unequal educational privileges in the same township cease to vex and annoy. These sources of complaint and dissatisfaction will be dried up, and these inseparable concomitants of the district feature will be numbered among the things that were and are not. The superiority of the present over the former system, in the equity of its requisitions, is very striking and manifest. Under the former system, districts in the same township, having an equal number of children, and consequently needing school houses of similar size and accommodations, would be very unequally taxed to erect these structures. The property in one district would not be assessed for this purpose more than fifteen cents on the hundred dollars, while the wealth in the other must respond to the demand of not less than three times that amount. Is that right, equitable, and in accordance with the principle that demands equality of assessment for general interests and common benefits, in the same corporation? Should such a *gross inequality of burdens* be tolerated any longer? Should neighbors, living in daily intercourse with each other, be subject to such unrighteous levies? The present system protects us against all such inequitable assessments, and provides that each district shall have, at the common expense of the township, a comfortable, commodious and tasteful house, whose associations shall be pleasant and instructive. Such is the contrast, in reference to equality of burdens, presented by the past and present educational codes of Indiana.

An *inequality of privilege*, equally gross and manifest, existed under the old district system, which disappears by the operation of the township principle. Districts of equal geographical area in the same corporation, will often be exceedingly diverse in comparative population at different periods of their history. One may have twenty-five, another fifty, a third seventy-five, and a fourth one hundred pupils. On the district system, the educational funds were necessarily distributed on the *per capita* basis. These funds converted into tuition, would be represented by one, two, three, and four months' instruction. Should friends, perhaps even brothers, living in the adjacent angles of the aforesaid districts, be subject to such an inequitable participation of a common patrimony? Should the children of these families be so unequally cared for by her who claims the name and assumes to be their educational foster-mother? Such palpable injustice was the inevitable result, the legitimate sequence of the district system. Weak districts seemed only the weaker by contrast with adjacent strong ones. What could be more annoying to those thus situated in the same township, citizens of that miniature republic, where we first begin to govern ourselves politically, where are first awakened those official aspirations which extend, perhaps, through a series of coveted elevations till they culminate in the presidency? Should such a state of things be endured or tolerated? It has existed, still exists, is deplored and lamented elsewhere. Our own expe-



rience attests the reality of the evil. Various prescriptions have been suggested for the disease, termed weak districts, by distinguished physicians, but the honor of discovering an effectual remedy for this wasting malady belongs to the Indiana faculty, who have nobly made it patent to the world. It is found in the 27th section of our revised school law, and reads thus: "The schools in each township shall be taught an equal length of time, without regard to the diversity in the number of pupils in the several schools." It just meets the exigencies of the case, and will prove an effectual and permanent correction of the aforesaid evil. It is pre-eminently wise, just and honorable, for it secures an equitable participation of the educational provisions furnished by the State, as completely as human wisdom and sagacity could devise. It involves no injustice in the operation, for the commonwealth, pledged by her fundamental law to educate all her youth, as a wise and judicious parent, provides for the training of the twenty-five of one district and the seventy-five of another during an equal period of time. If she can give them only six months tuition annually none enjoying that amount of instruction are wronged, because others, numerically less, receive a similar favor. It is not *money* that the State proposes to give her youth. It is something better, more enduring, and pertaining to both worlds, mental and moral culture. This she designs to distribute equally, and, by the aforesaid provision, effects as nearly as human ingenuity will admit.

Such in brief are some of the workings, and such the character of the township feature of our school code, in respect to the apportionment of tuition funds, and the erection of school houses. Its justice cannot be successfully questioned, nor its equity be reasonable doubted. That it is acceptable to the people and commends itself to the masses, it is only necessary to state what has been done in one department of its mission. The first year after the embarrassments, thrown in its way by the law suits commenced almost simultaneously with its enactment, were removed, the trustees of four hundred and thirteen townships levied a school house erection tax amounting to the aggregate sum of of \$314,272. This was not all that was done even that year, for it was subsequently ascertained that many townships in the twenty-two non-reported counties levied said tax. It appears from the tabular exhibit of this year, being the second of the new era, that the trustees of no less than seven hundred and twenty-four townships have assessed the property and polls of their respective corporations for the same purpose to the amount of \$477,945. Such results are not only significant indications of its efficiency and popular favor, but they also disclose the primitive condition, in which we found ourselves at the inauguration of the new constitution, in reference to school structures. Many even of our large towns and cities had no respectable school structures belonging to the corporation of that date, which have since erected spacious and tasteful school houses. Though the picture, that met our eyes five year ago, was

anything but flattering to our corporation self complacency, yet even that destitution was not without its incidental advantages, for there was little or no necessity, on the reconstruction of the districts and the inauguration of a new system, to sacrifice a large amount of property in ill-constructed, ill-located and costly school houses. The situation of the commonwealth in that respect was peculiarly favorable and happy for the introduction of a radical change in our educational policy.

It has been a source of great pleasure and satisfaction to the Superintendent, in his county visitation travels, to witness the signs of progress exhibited by the new school houses, both in corporate towns and cities, and also in the rural districts. In the latter, he has seen neat and spacious structures, indicative of the enlightened views, generous policy and good taste of the trustees, as well as significant of the presence and appreciation of the two works on school architecture, which have been furnished each township library since the last session of the legislature. The wisdom of that provision is unquestioned, and the economy of that appropriation is abundantly demonstrated by the results reached in many corporations. The happy influence and connection of these works, on the size, accommodation and comfort of our school structures will be seen and felt still more forcibly with the lapse of years. Tasteful school houses will attract the attention of citizens and township authorities, and provoke imitation. Liberal views on this subject will beget and foster enlightened and generous sentiments, and lead to a physical embodiment of them, that will rejoice the hearts of both teachers and taught. The educational power of a good school house, ample grounds, and tasteful enclosure, is not yet fully appreciated. The time is not far distant, when it will be seen and admitted that there is *no money* in those miserable apologies, once called school houses. Cotemporaries with the log cabin of the early settler, they have accomplished their appropriate mission, and should not be permitted to loiter behind the primitive domicile of the pioneer in their retirement from the public service. While some townships have adopted generous policy in this matter, there are not a few where architectural taste and improvements have not yet been displayed, nor the virtue of ventilation been discovered. The old generation of school houses is, however, gradually and silently giving place to other structures more in sympathy with the spirit of progress. A novel and interesting spectacle was witnessed in one of our new counties, illustrative of the above remark. A neat frame structure, painted white, with grounds unrestricted by a quarter of an acre enclosure, with a sufficient external display of taste to justify the expectation of a corresponding internal arrangement, was seen standing on the borders of a beautiful native grove, while its humble predecessor stood at a respectful distance in the rear, bearing marks of hard service, and a condition that indicated its claims to retirement on a pension. It has been exceedingly gratifying, in traveling through

the rural portions of the commonwealth, to see in various sections of it, school structures of such tasteful exterior as to warrant the inference of a similar interior display of fixtures and furniture. The upper sash of the school house windows, partially lowered, is sufficient proof that the science of ventilation is understood, and the sanitary virtue of a pure atmosphere is appreciated, and that "Griscom's Uses and Abuses of Air," or some kindred word, has been seen and read in that locality.

A reference to the statistical portion of this report, and also of its predecessor, will show what is doing in the various townships of the several counties reported. It will be seen that many of them have engaged in the work of school house erection with a zeal and liberality worthy of all commendation. One township in Wayne county, built *nine* school houses the last year, at the cost of \$1,000 each. These structures were of ample dimensions, and of the most permanent materials, being 38 by 25 feet in length and width, with ten feet story in the clear and built of brick. Specimens of like taste and liberality may be found in other rural portions of the State. Town and city corporations have also engaged in the school house erection enterprise in various sections of the commonwealth within the last four years, and many of them are now enjoying the fruits of their wisdom, forethought and public spirit. Among those may be named New Albany, Evansville, Richmond, Lafayette, Indianapolis, Shelbyville, Madison, Rising Sun, Michigan City, Delphi, Plymouth, Mishawaka, Edinburgh, and Elkhart. Of these, Evansville is justly entitled to the palm for the best school edifice, combining taste, convenience and capacity, though several of the above named are worthy rivals. Other corporations have more recently commenced and are now in progress, of which Connersville, Fort Wayne, Franklin, Laporte, Cannelton, Decatur, Muncie, Terre Haute, and Auburn, may be named. There is also another class of towns of no insignificant claims, which have been, and are still paying heavy school house and tuition taxes. The tax payers are their own assessors and collectors, and meet these levies in the form of diminished rents, depreciation of real estate, deterioration of morals, and lessened social enjoyment. How long this species of assessment will continue it is yet unknown. The economy of renting the streets for school houses, employing gratuitous instructors, using store boxes, oyster saloons, ball alleys and restaurants for text books, has not yet been fully tested. The collateral bills for courts, judges and jurors, for watchmen, sheriffs, and jailors, for schools of reform, jails and penitentiaries, have not yet all been audited. The experimenters may possibly find that school houses of the finest finish and furniture, teachers of the highest attainments, richest experience, and largest salaries, and text books of sterling worth, will be less expensive than the aforesaid system, and its legitimate concomitants.

At the present rate of progress, all the school houses in a large

majority of our townships will be erected before the next legislature assembles. The fact suggests the introduction and discussion of the connection of *township* provision of school houses and *state* provision of tuition. The line, virtually drawn by the decision of the Supreme Court, between the township and State obligations in educational matters is so clear and distinct, that is evident there should be a correspondence in the progress made by the respective parties to discharge their appropriate duties in the premises. The court has said that, if there be school houses, the townships shall build and furnish them. If there be schools the State shall pay the teachers. The constitution makes it imperative on the legislature "to provide, by law, for a general and uniform system of common schools, wherein tuition shall be without charge and equally open to all." There is no escape from the responsibility, no eluding the obligation. It is plain, positive and inexorable. Encouraged and authorized by statutory provision, many of the townships have gone forward and nobly met the claims of the rising generation to the fullest extent, and provided the structures, furniture and fuel. It will be seen by reference to the appropriate tabular exhibit in the Appendix, that the Trustees of these corporations have taxed the property and polls of their respective townships to the highest figure the statute admits, which, to more than one-half of the taxpayers is equivalent to a *three and a half mill* assessment on their property. Heavy as such levies may be, they will be necessary only for a short time. This work once accomplished is done for the period of an entire generation, and therefore the people are easily reconciled to the weight of the assessment. Thus they have reached, at the same time, both the limit of their necessities and the bounds of their obligations in the premises. They can go no farther. As the aforesaid decision forbids township taxation for tuition, the question assumes at once the tangible and definite shape, "is not the legislature therefore called on, as the organ of the State, to make good her constitutional obligations by statutory provision of the requisite tuition funds?" Here our youth say, we cannot have schools without houses. The townships reply we have furnished them. The youth again say we cannot have schools without teachers. The legislature should promptly respond, we *will provide* ample means for the payment of their salaries. What is the extent of the State's obligation to her youth in the premises, is a question of peculiar pertinence and force in this connection. This obligation, whatever it may be, should be met as promptly, cheerfully and fully as the semi-annual payment of interest on our State debt, whatever may be the sacrifice. It is a prior claim, a paramount obligation, and rendered a debt of both duty and honor, by the fact, that constitutional impediments have been thrown in the way of the townships making the requisite provision. Educational obligations to posterity are as complete, perfect and imperative, as pecuniary claims of foreign bondholders. The former should not be ignored, nor the latter repudiated.



If education be the debt the present generation owes the future, as it was beautifully expressed by the great American banker, in London, who accompanied the sentiment, offered, as a toast, at an educational celebration in his native town, with a donation of *twenty thousand dollars*, and subsequently increased it fifty per cent., as an expression of his views of the validity of the claim, what then should be the response of a legislative body, sworn to support a constitution, whose language, on this point, is both clear, unequivocal, and peremptory, to a claim of such unquestioned justice? In accordance with this constitutional obligation, the present school system was established and revised, by the wisdom of the two preceding general assemblies of Indiana, and a definite monetary power given it, to demonstrate, by its results, the extent of the pecuniary provision necessary to be made, in order to realize all just and reasonable expectations. A one mill tax on the property, and a fifty cents assessment on the poll, have been levied by the aforesaid assemblies, not indeed with the most distant expectation that their proceeds, with the income of our educational funds, would be sufficient to meet our necessities, but evidently from the conviction that there lingered in the commonwealth, the remains of ignorance, the relics of prejudice, and the traces of selfishness, which would require both time and patience to eliminate. Knowing that there were thousands, who would be taught by no one but old master experience, they deemed it wise and prudent to proceed cautiously, and furnish such adult pupils with the requisite time and means for a liberal education, before they made sufficient provision for the juveniles. As the former have already enjoyed the advantages of a four years' course, it is but reasonable to conclude that they will soon be ready to graduate, and be thoroughly prepared to enter on the practice of a professional life of enlarged and liberal views, and a corresponding action. If that point has been reached, and their policy has accomplished its mission, then the educational wants of our youth, in all their extent and magnitude, may justly claim the earnest consideration of the law making power. It will prove as much to our credit for patriotism and self-respect, to honor Young America's educational drafts, as capitalists' coupons. It will not lessen our reputation with foreign bankers to pay promptly our childrens' tuition claims, and it will certainly prove far more disadvantageous, disastrous, and dishonorable to shave their paper fifty per cent., than to meet, with similar discount, any other claim. Had we embarked, twenty years ago, in as magnificent an enterprise of *intellectual* development, as we did in *internal* improvement, we should have had something more substantial and remunerative to show, as its results, than half finished roads and half completed canals. While we are paying for one whistle, let us not foolishly buy another. Let it not be forgotten, that wise, permanent physical progress will always keep pace with thorough intellectual development and culture. Had we adopted the aforesaid policy even ten

years ago, the ratio of adult ignorance would have been reversed rather than advanced, lessened rather than increased, at the last census.

We have now reached the appropriate point for the introduction of another question of great practical importance, which justly claims a serious consideration, a wise and prompt decision. How long should the schools in the rural portions of the State be annually taught? The almost universal answer, coming from cabin and cottage, the mansion of the rich, and the dwelling of the indigent, would be, from six to nine months. We will take the shortest period named, and compare it with the average term of instruction in the rural sections of the commonwealth, for the last three years. The general average length of the *free schools*, in 1854, was two months and fifty-four hundredths. In 1855, it was two months and eighty-five hundredths. In 1856, it was three months and three hundredths.

The above statistical facts disclose a picture by no means flattering to our self complacency, and indicate the extent of our educational delinquency. It is manifest, that even the best we have done for our youth, for the last three years, is but a shameful discount on their just claims. It should not be forgotten, that while the policy of former legislatures to provide for a thorough training of adult scholars, even to graduation, under that old time honored professor, may perhaps be regarded as wise, prudent, and ultimately economical, yet the cost of their education, which has been no inconsiderable sum, has, in fact, been deducted from the children's school funds for the said period, an evil that, it is to be hoped, the present legislature will deem it their duty to bring to a perpetual end. Even a three months' school annually is most emphatically a homœopathic dose of literary culture, and its administration at intervals of nine months, renders it an educational tincture of almost inexpressible weakness. It is no wonder that such doses do not stop the chills of ignorance, nor break the fever of passion and self-conceit. The literary zeal and ardor awakened by a three months' school, evaporate before half of the *recess* has elapsed, and the intellectual attainments of the period, suffer a sad depreciation in their market value, before the annual revolution of the earth brings around a like golden age of letters. It is no marvel that the mental growth and development of our youth should be slow, defective, and even dwarfed, considering the brevity of the period of its culture, and the protracted recess that intervenes. It is also evident, that we do not, on the basis of the present provision, receive in return a full equivalent for the funds expended. If the three months of instruction, now enjoyed, were immediately followed by a similar period, much of the first term's attainment, which under present circumstances is lost, would become permanent capital. The last four weeks of a three months' term are generally worth as much as the first eight, for a very simple and obvious reason. The intellectual momentum acquired during the



first two-thirds of said period, will carry the pupil more rapidly and more pleasantly over the last third, and consequently the literary progress and mental development of these unequal portions of time, will often prove to be nearly, if not substantially, similar. By parity of reasoning, the last two months of a six months' consecutive term, would be almost, if not quite, as good as the first four.

When it becomes an admitted fact, that a six months' school is the least that will meet the wants of the rural portions, satisfy the necessities of our youth, and fill the reasonable expectations of the masses, then the natural and legitimate enquiry is, what amount of additional means will be necessary to secure this desired result. On the assumption, which will elsewhere be demonstrated to be no presumption, but an alluminated fact, that a one mill supplementary assessment on the property will be sufficient to accomplish the desired object, we will proceed to the statement of a proposition, which, however paradoxical it may seem on the mere announcement, is, nevertheless, true and susceptible of rigid mathematical demonstration. It is this, a six months' *free* school will be cheaper, in dollars and cents, to almost *three-fourths* of the tax payers of Indiana, than a three months' free school. The process of proof is simple and direct. If we must have nothing short of a six months' school every year, and only the first three of them to be a *free* school, then the supplementary three must be a subscription school. Few, if any, even in the rural portions of the State, can get a child taught for less than two dollars, and more frequently, it will be two dollars and a half per quarter. The lowest figure named subjects the parent, with one child to educate, to the expense of two dollars to eke out the shortcomings of the commonweath, and give his child the minimum amount of education that it annually requires. On the parent or guardian of half a dozen pupils, this supplementary tax imposes the burden of six times the weight of the above named levy. There are thousands of parents in Indiana at this time, who must either meet such unrighteous demands, or their children's intellectual culture must be greatly curtailed, and their mental and moral training correspondingly suffer, just in consequence of the State failing hitherto to meet fully here constitutional pledge to educate her youth. It will be seen from the classified exhibit of the tax-payers of Indiana, contained in the Appendix, that almost three-fourths of them pay on \$1,000 worth of property and less, and that almost five-ninths pay on \$500 and less. On the basis of a supplementary one mill levy, no one of the said three-fourths would pay more than *one dollar*, yet the tuition of one child for a single quarter, would be twice the amount of the maximum of the aforesaid levy, and more than one-half of the tax payers would not be assessed more than *one-fourth* of the cost of one pupil's instruction for three months. These are facts drawn from the Auditors duplicate, and therefore perfectly reliable. All can see their bearing, appreciate their relations to the subject under consideration,

and calculate the results to himself and fellow-citizens. While the adoption of the course suggested would be a real substantial relief to thousands of parents, and also prove a rich blessing to tens of thousands of our youth, it would in reality burden no one. If the State constitutionally monopolizes the business of educating her youth, then let it be done to an extent somewhat commensurate with the nature and demands of the case. A three months' free school is but a mockery of hopes, and what adds bitterness to the disappointment, is, that being the public school, it is to thousands the only term of instruction they enjoy. In many localities it becomes a serious impediment in the way of supplementary subscription schools. One half of a district may, from poverty or parsimony, utterly refuse to render any aid to establish a supplementary school, and the other half deprived of their co-operation be unable to sustain said school. No one is satisfied with the present modicum. The universal expression of opinion on this subject, that has reached this department, whether oral or written, by parents, citizens, or trustees, is, "give us a six months' school and we will cheerfully meet the expense." This sentiment is peculiar to no section of the State, but common to all. The tax necessary to secure the aforesaid period of instruction, would be cheerfully paid by all, who pay any school assessment with a good grace, for every intelligent man can see that it would be more economical to double the tax and treble the proceeds of a free school, than to stereotype a policy that dwarfs, belittles and brings into general contempt what, under the operation of liberal views, might expand into a generous, efficient and popular system. The following is a specimen of the written expressions of opinion on this point, from a township board in Harrison county, a true reflection, also, of the sentiments of many others:

"We, and our fellow-citizens, generally, are in favor of a higher tax for tuition purposes, to any sum not exceeding twenty cents on the hundred dollars valuation of property. Our schools are entirely too short to be beneficial to the scholars."

The question recurs, what is the evidence that a one mill supplementary levy will be sufficient to give us a six months school, on an average, throughout the State? On the supposition that the present one mill tax on the \$300,000,000 of property will net \$275,000, and the net proceeds of the fifty cents poll tax will be \$75,000, and the average net receipts of interest on the school funds, both special and common, will be \$150,000, then the aggregate \$500,000, being about \$15,000 more than was probably realized last year from these sources, becomes the monetary representation of the three months' school reported for the last year. If that average period for the whole State costs \$485,000, then a six months' school will require double that sum.

It is estimated that the property of the commonwealth, on revaluation, will not fall short of \$400,000,000, if it does not considerably exceed that sum. On that basis, the present mill tax

and a similar supplement would give \$800,000, which, after a corresponding deduction for delinquencies, would exhibit a net result of about \$744,000. Add to this, the same net amounts from interests on school funds and poll tax, \$225,000, and we have \$969,000, the pecuniary exponent of a six months' school. This estimate, in round numbers, is sufficiently approximate to the truth for hypothetical purposes, and redeems the pledge heretofore given.

The purpose of the classified exhibit of tax-payers of the commonwealth was not to institute invidious comparisons between classes, but to show what burdens the majority of our citizens would be required to bear on the basis of a supplementary one mill tax. If, on the basis of the aforesaid assessment, three-fourths of the tax payers would not be required to pay only from *one cent* to *one dollar*, and five-ninths of them would be taxed only from *one* to *fifty* cents, then all can see, without the possibility of distortion or doubt, that there will be no oppression, no real cause of complaint in the proposed supplementary school tax. If the man possessing five hundred dollars worth of property will not be burdened, nor feel himself unreasonably assessed, then the owner of five thousand dollars worth of property cannot complain. The fifty cents tax of the former will require just as large a proportion of his capital, as the five dollars assessment of the latter will diminish his five thousand. The question is not, shall property and polls be taxed for educational purposes, but how much shall they be assessed? Taxation for such purposes is a foregone conclusion. Every man who voted for the new constitution, virtually assessed himself for school extension. The constitution on the subject of education is very clear, explicit, outspoken and liberal. Better pay a two mill tax and have a good school, a sufficient length of time, than discount the period of tuition fifty per cent. and the quality of the instruction seventy-five per cent. Such would be the result, the natural consequence of the present starvation policy.

A resort to first principles will bring us to the same conclusion. In a state of nature, every man protects himself and property and is untaxed. In civilized relations, government protects his person and possessions, and he pays taxes. In the former, neither person nor property is secure. In the latter, property acquires most of its value, and there also exists a consciousness of individual security. What is the value of real or personal estate, where there is no governmental protection? What is the certainty of exemption from personal violence, and even loss of life, where the broad ægis of law does not overshadow the individual? A property assessment is nothing else than a premium, that wealth pays for its protection. A poll tax is a similar levy for personal security. The former is variable according to the amount covered by the policy; while the latter is uniform, and appropriately represents the native equality of man, in a government like ours. In one respect, the rich man has the advantage of his less wealthy neighbor, in the

fact that he has a larger amount of property insured at a low premium, while the latter is one of the underwriters. The poll tax recognises their political equality, and on that basis, the wealthy cannot say to the poor, I pay a large tax for the education of your children, and are you not ashamed to take my property to defray the expense of their instruction? That poll tax enables worthy indigence to reply to the proud and haughty insinuation of his rich compeer, I pay just as large a tax to educate *your* children as you do to instruct *mine*, as a man, a citizen, a sovereign, I claim to be nothing less, and I fancy that you will pass for nothing more. If you pay a larger tax than I, it must be because you are the possessor of more property. If you deem that a misfortune, it will not be difficult to find both cordial sympathy and prompt relief in your distress. Let not wealth provoke any such withering retort, nor ignorance institute any such invidious comparisons between individuals or counties.

The executive, legislative and judiciary departments of the governmental machinery are sustained and kept in motion at the common expense of the property and polls, irrespective of corporation lines; and why should not educational privileges be secured to all, without distinction, on the same general principles? The dispensation of justice is not more essential and vital to the welfare of the body politic, than the development of the intellects and the cultivation of the morals of the masses. The State pays the judges, and the counties build the court houses and jails, and pays the jurors, while the clerks, bailiffs and sheriffs, subsist mainly at the expense of those caught in the meshes of the law. So in education, the State pays the tuition of the youth and the salary of the superintendent, and the townships build the schoolhouses, provide furniture and fuel, and compensate the trustees for their services. The cases are so parallel and analogous, that consistency requires that the opposition should include the judiciary and educational departments in the same category, and either abandon its hostility to the latter, or join issue with the former.

One man complains that his county pays a much larger amount in school tax than it receives on the pro-rata distribution of the educational funds, and says that the balance of their money goes to the poor counties and newly settled portions of the State. This is all true, and is it not likewise a fact, that the same rich counties contribute a correspondingly larger share to the general expense of other co-ordinate departments of government, than the aforesaid poor counties? Have not the old counties some social and pecuniary interest in the development of the native resources of the new counties of the commonwealth? It would not be strange, if the same patriotic objectors themselves should be the owners of some extra eighty acre lots of land, or have some children or remoter relatives in those new counties. He may find, perhaps, on closer examination of the merits of the case, that he is more interested both pecuniarily, socially and politically, in the rapid growth



and development of the new counties, than he supposed, and therefore be induced to abandon his opposition to the school system. One county of the State, in 1855, paid more than *five thousand dollars* for the apprehension, incarceration, trial and execution of a band of villains. Were not the townships, adjacent to the one in which the crime was committed, interested in the detection and punishment of the perpetrators of the arson and murder? Most assuredly. But might they not, with equal propriety with the aforesaid objectors, say, why should we be taxed to defray this enormous expense, incurred solely through the crimes and villainy of the citizens of another corporation? We have never had a criminal case, originating in our township, in court since the organization of the county, and why should this burden be imposed on our property? The pertinence of the illustration and the dilemma of the objector are manifest. He need not, indeed, go beyond the bounds of his own county, for which he so patriotically pleads, to discover the fallacy of his premises. There may be, as there often is, as great inequality between the school tax paid and the school funds received on the final apportionment, by the townships of his own county, as exists between the counties, of which he so eloquently complains. The answer is in fact at his own door, and may be contemplated at his leisure. We need no more tabular exhibits of county gains and losses of educational funds to enlighten the path of legislative duty. Why furnish the means for invidious comparisons between counties in educational, any more than in the judicial or legislative department? Some may, perhaps, think that the aforesaid objection, or complaint, does not merit the attention and consideration it has received. In reply, it may be remarked, that it exists in some localities, is honestly entertained, and has a plausibility and weight, with some minds that do not take the trouble to trace it to its legitimate results and perceive its inconsistency with their action in other cases of parallel character and admitted justice.

While the general principles on which our educational system rests are unquestionably sound and correct, the efficiency of their action has been very materially marred by the impolicy of some of the details. It has been in operation a sufficient length of time for a partial development of its capacity for good, as well as a like disclosure of its deficiencies. To increase the former and diminish the latter is the legitimate mission and duty of each successive legislature. To point them out and suggest the appropriate means of correcting its errors and omissions, and increasing its efficiency, is one of the prominent objects contemplated by the requisition of an annual report from this department. The facts and suggestions already presented, will commend themselves to the careful consideration of all interested in perfecting our school code. Nothing has been so much a source of disappointment and dissatisfaction, to the friends of the cause of popular education, as the inadequacy of the pecuniary means. It has, in no slight de-

gree, paralyzed effort, discouraged even the most zealous, and been, to the foes of the system, a theme of derision and triumphant taunt, that has brought more discredit on our educational code, than any other thing that can be named. Unsustained by the hope of the adoption of a more liberal policy in this respect hereafter, the friends of common schools would have long since given up in despair, but believing that they understood the reason of the former action, and appreciating the motives that governed the framers of our educational code, they have toiled on, in confident expectation that the day was not far distant when funds adequate to the necessities of the case would be provided. The Superintendent has heard but one expression of opinion, from all parts of the commonwealth, on the question of the period during which our schools should be annually in operation. Connected with this expression of desire has generally been the voluntary declaration, "we will cheerfully meet the expense," which shows it to be not a mere idle, unmeaning remark, but a sober conviction of the judgment, a firm and settled purpose of a noble, generous, and patriotic spirit. With this full and frank statement of the comparative results of the township and State action, in their respective spheres, the cheering prospect of a speedy accomplishment of one of the important objects of the former's peculiar mission, and the universal conviction of the sad deficiency in the cardinal duty of the latter, we will proceed to note some other points, to which the experience, observation, and suggestions of the last four years naturally lead us.

A system of popular education, sound in its fundamental principles, simple, yet complete in its details, harmonious, yet effective in its action, is not the result of the concentrated wisdom and experience of any one body of savans or legislators. It is unwise to expect it, and unreasonable to demand it. Time and experience will disclose many imperfections in this, as well as in other human enterprises, and suggest divers modifications and improvements, too valuable to be overlooked, too necessary to be disregarded, and too pressing to be postponed. A more striking and obvious mark of wisdom, in a legislative body, cannot be named, than sagacity to perceive, candor to appreciate, and firmness to give statutory form and authority to such deductions of the past. No change in its fundamental principles is either needed, sought, or desired by the people, as far as their wishes have been ascertained. So far from anything like a radical change in the essential elements of the system being desired by the masses, there is, throughout the State, a strong feeling adverse to any revolutionary or retrograde movement in the premises, which plainly indicates a general satisfaction with its prominent features, and a conviction that the train is on the right track. There is no disposition to change the location of the route, but there is a very strong and decided preference for the substitution of the T rail of a two mill tax, for the present flat bar of a one mill levy. Educational snake-heads are



deemed far too hazardous to be tolerated any longer. In relaying the track with more substantial materials, with reference to more extended and permanent operations in future, it may be well not to overlook the wisdom and economy of ample machine shops, where both repairs and construction may be carried on to the fullest extent of our increasing necessities. Many of the company's engines need extensive repairs, and its entire motive force should be greatly enlarged.

While there are minor points, in which the harmony and efficiency of the system would be materially improved by the introduction of some slight modifications and supplementary provisions, it must be admitted that our code, in some essential elements, is sadly defective, and at the best, on these points, can claim only the possession of the merest germs of a wise system, which ultimate success in our enterprise demands should be expanded into flower and fruit as speedily as possible. A brief specification and consideration of the former will conduct us to the statement and discussion of the latter.

The propriety and wisdom of making the township board, charged with the supervision of the educational interests of the corporation, a separate and distinct body, has been discussed in another part of this report. Much more might be said in favor of the change did space permit. It should not be forgotten, in the determination of this question, that they are the most important board of officials in the commonwealth, and therefore the greater amount of wisdom, prudence, experience, and firmness, that can be concentrated in this office, the greater the benefits resulting to both township and State.

A more full and explicit statutory specification of the educational duties of the township board, would relieve their minds of doubt, and lead them to more prompt and decided action. Districts have remained without houses, and children without schools, just because the trustees would not levy the requisite tax. In such cases, the board should not be exposed to the temptation to exercise any discretionary power, but the statute should be so clear and pre-emptory as to leave no alternative but the necessary levy, or resignation. Full, accurate, and prompt reports of the educational interests of their corporation should be required, on the pains and penalty of a pecuniary fine, that would be appreciated. Auditors are not a little annoyed by the dilatoriness and neglect of the township trustees. This evil has its origin, to a great extent, in a want of educational zeal. Let all such be relieved from these official responsibilities.

The county auditors are very important functionaries in our school system, and their educational duties are far more numerous, onerous, and responsible than those of the treasurer. On them devolves the labor of making the distribution of the school funds to the townships, calculating the interest, adjusting the papers on the loans and payment of the school funds, making reports to the

Superintendent of the educational condition of the several townships, with materials often about as deficient in character and amount, as those furnished the Isrealitish brickmakers, answering questions coming up from the township board, responding to circular calls from the Superintendent for statistical information, receiving and distributing the township library books, a variety of labors, sufficient to develop their peculiar idiosyncracies, test their wisdom and tax their patience to an almost indefinite extent. It is unreasonable to require the performance of such varied and often harrassing labors without adequate compensation. Justice demands that such time consuming and miscellaneous toils should be compensated on a per diem basis, rather than a free bill standard.

#### SCHOOL EXAMINERS.

The statutory provision relative to the number, appointment and duties of school examiners is susceptible of improvement, and the efficiency of that department might be greatly increased by a judicious expansion and systematic action. The board should consist of three members, and be appointed for the term of three years, one being selected annually after the order of retirement of the first appointees had been determined. Experience, tact and interest in the discharge of their important functions, would be greatly increased by that number of members and the aforesaid term of office. By an annual appointment of one member, the board would never be without a due amount of experience and wisdom. Said board should hold stated meetings, giving due notice of the time and place, and issue licenses only as a board, and on the basis of such examination. The judicious action of said examiners would be no unimportant instrumentality in elevating the character and qualifications of teachers, shielding the community against ignorance, pretense, and charlatanry, and encouraging rising merit. Give dignity and consequence to the office, by charging it with the duty of endorsing the moral character and literary attainments, of those who aspire to the responsibilities, honor and emoluments of the teacher's profession, and results of the most cheering character will ensue. The impulsive power of graded certificates would soon be seen, either in impelling their holders to a higher speed of intellectual progress, or switching them off the track of the public service. Were the period, for which these certificates are granted, to be graduated by a regular series from three months to two years, and then divided into six classes, and the inflexible rule established, that the holders of any one of the first three classes of certificates could not receive a second of the same grade, it would impart new life and activity to the calling. If our temporary necessities require the toleration of a *sub-minimum* grade of qualifications in special cases, as the ambiguous phrase "to determine what branches they desire shall be taught in such

school," in sec. 105 of the revised school laws of 1855, seems inferentially to imply, the question naturally occurs, would not this discretionary power be more judiciously lodged with the board of examiners, than it is now with the majority of the *sub-minimum* district. As such educational *inclined planes* are more or less hazardous, it seems peculiarly unjust that a mere majority should compel the minority to travel over them. In all such cases, the examiners should be the sole judges of the character and safety of the aforesaid grade, and those of the minority, not choosing to risk the perils of the trip, should have tickets for the regular train on a safer route. In other words, the minority in such cases should be permitted to send to any other school in the township they may choose for the current term. This seems to be the most equitable adjustment of the matter as long as the policy is tolerated. Several cases of grievance, under this peculiar provision of the statute, have been brought to the notice of this department, and the investigation of them has awakened something more than a doubt, of the wisdom of marring our school statute with such a blemish. Give ignorance even temporary shelter and encouragement, and it will soon claim toleration and right. Offer a premium for dullness, and there will be no lack of competitors for the spoons. Let a board of examiners, of the character and official term above indicated, be established in every county, and it would not be long before the dry bones of ignorance and indolence would be in motion. Let our educational pilots be subjected to the scrutiny of a strict and searching examination, and though it may temporarily diminish the number, yet it would correspondingly advance their competency and compensation, and ultimately result in a supply equal to the demand, and render our literary navigation more secure and reliable.

These brief and passing suggestions bring us to the consideration of some essential features of an educational system yet to be incorporated into our school code. The time has fully come for their introduction to the notice and consideration of the legislature. The cautious policy, which has hitherto characterized our educational movements, was doubtless wise and prudent. We have for the last four years, been sounding our way into the harbor of wisdom and experience, but have not yet quite reached our moorings. The public mind has become in some degree awake to an appreciation of the necessity of efficient action, the wisdom of giving the system its appropriate power and scope, and the economy of ample means for competent instruction. As science and experience are dissipating the mists of prejudice, sundering the bands of immemorial usage in the department of agricultural pursuit and progress, and demonstrating the superiority of deep ploughing over mere surface culture, and the economy of restoring the exhausted energies of the soil by a judicious rotation of crops, and the rejuvenating power of clover; so they are also penetrating regions comparatively unfrequented and but partially explored, at least in the

department of education. If improvement in agricultural implements and progress in the industrial arts, are worthy objects of encouragement and reward, there surely can be no doubt of the propriety and wisdom of corresponding effort and advancement in intellectual culture. Let us subsoil the mental as well as the physical fields. Deep ploughing in the former will prove far more remunerative than in the latter. Turn up the intellectual subsoil and expose it to the action of the frosts of thorough discipline, and the disintegrating power of the copious rains of patient, intense and protracted thought, and bring it under the mellowing influence of the gentle dews of a cultivated taste, and the result will fully realize all just expectations, and amply reimburse all wise and liberal appropriations. While large crops of vegetable productions, improved stock and superior domestic fabrics are legitimate objects of ambition, awakened mind will be found no less advantageous and productive, even in its pecuniary bearings.

The great cardinal duty of a State is to encourage and aid, by all suitable means, the development of mental resources, and the culture of her moral powers. Undeveloped mind is, to a community or nation, in a financial point of view, little else than so much dead capital, and in its moral aspect and bearing it is even worse. Develop that intellect and the productive capital of the country is correspondingly increased. Cultivate those moral powers, in the right direction and to a proper extent, and the social interests and welfare of society will be greatly enhanced. If, on the other hand, these noble capacities are permitted to remain dormant, and become paralyzed or perverted, disappointment, disaster and ruin inevitably ensue. The true glory of a land is the intelligence, enterprise and virtue of its citizens, and therefore, whatever increases the one, develops and cultivates the others, is worthy of the fostering care of legislation, and the cordial and liberal support of the masses. These are the only reliable substrata for permanent national prosperity. If these be secured, there will be nothing to fear from without, nothing to dread from within; neither secret foe nor open enemy can permanently injure such a people, too intelligent to be deceived, too wise to be misled, and too industrious to be corrupted. There may be no more original intellectual power or mental capacity in the individual who superintends a railroad, or a manufactory, or commands a steamship, than is possessed by many a one occupying a very subordinate station under him. The difference of their present position and executive capacity, is more the result of culture than any original diversity of mental endowment. There may be more native vigor and sprightliness among the coal heavers at the furnace, than is possessed by the man that walks the quarter-deck and directs the noble steamer.

Are not the undeveloped intellects and the untutored hearts of our youth worthy of more attention than our untilled soil? There will be found even more wealth in the thorough mental and moral



culture of our youth, than can be realized from the most skillful cultivation of our broad acres, or the most successful prosecution of commercial enterprise. The former will accomplish far more than the latter, either for progress or protection, development or defence. The reason is obvious. Awakened mind is never at a loss for a sphere of action, an object of noble aspiration, an enterprise of praiseworthy achievement. Whether its field of generous endeavor be the farm, the work shop, the counting house, or the professional office, it is ever ready for the lists, ever sure of success, or, at least, the consciousness of meriting it. Were those products of agricultural toil, those results of horticultural labor, those evidences of mechanical ingenuity, those specimens of artistic skill, those proofs of intelligent forecast, those fruits of scientific study of the laws of the vegetable world, those marks of a cultivated taste in the floral realm, those exhibitions of fidelity of material training in the mysteries of the needle, the kitchen, the laundry, the dairy and the loom, gathered at our State fairs, no index of the awakened intellect of the commonwealth? No one could have gone over those grounds, examined the congregated fruits of the field, the orchard and the garden, regaled the eye with the sight of the jellies and preserves, his palate with the butter and honey, skillfully applied to the staff of life, and graced with the appropriate concomitants of the rich repast, applied his teeth to the peaches and pears, the grapes and the apples, his hand to the unspanable turnip and beet, glanced at the lordly pumpkin and the queenly squash, the golden carrot and the sunny yam, with its nameless cousins, seated himself upon the beautiful ottoman, or stood entranced as the fairy fingers flew across the mystic keys, reclined on the carved sofa, reposed on the elastic couch, surveyed his manly form in the polished mirror, rode in the princely carriage, passed through the magic gate in his swan like buggy, viewed those labor saving machines, with which the farmer could reap his harvest and cut his grass with horse power, load his hay with an endless chain, grind his axe and shell his corn by a self regulating wind mill, seen the pigmy engine with its miniature train pass with express speed on the endless rail, watched the patient toil of that unrepining and sinewless labor, propelling the mill stone, driving the saw, pushing the plane, turning the lathe, blowing this man's bellows and spinning that man's wool, moving the trip hammer, driving the pump and turning the cider mill, and by way of amusement, converting his surplus energies into Æolian music, without feeling that such results are *not* the products of *unawakened* intellect, nor the legitimate fruits of *torpid* minds. With such evidence before him, no one doubts for a moment, that that impalpable thing termed knowledge, has had a hand in all these results, so honorable to the State, so gratifying to the counties and so agreeable to individuals.

The inventive genius of Whitney has added millions to the value of the great staple of the South. The awakened mind of Morse

has given lightning wings and telegraphic speed to knowledge. The disciplined intellects of Hoe and Adams have almost converted the printing press into an Apocalyptic angel to preach the gospel in every dialect of earth. Fulton and his coadjutors have done more to develop the physical resources of the world, as well as to revolutionize commerce and give new impulse and facilities to social intercourse, than all the *undeveloped* intellects of earth. Every labor saving devise, from the thundering locomotive to the humble sewing machine, from Cory's corn planter to McCormack's reaper, evinces the reality and worth of intellectual culture. No class shares more richly in the practical results and pecuniary benefits of mental training than the *farmer*. It gives evidence of its power and presence in every implement he uses, from the hay fork to the gigantic thresher, from the plough to the mowing machine, from the hoe to the cultivator, from the cider mill to the corn sheller. Would not the agricultural products of Indiana be materially lessened by a return to the primitive implements of the sickle, the flail and the hoof? Would our farmers think that they had suffered no loss, were they compelled to exchange the light, beautiful plough, with steel mould board of mirror brightness, for its original prototype, with which the ancients scratched the back of mother earth, or even for its uncouth and clumsy progenitor of modern times? The *mechanic*, also, shares richly in the results of scientific invention. Go into any artizan's shop, from the blacksmith to the machinist, from the shoemaker to the saddler, from the cooper to the cabinet maker, from the carpenter to the wood carver. Visit every artist's office, from the dentist to the daguerrean, from the watch maker to the optician, from the engraver to the photogsaphist, and abundant evidence will be found, in the mere tools of these trades, the implements of these arts, of the all pervading presence and suggestive aid of awakened mind. Are there not intellects in Indiana, as rich in native power and inventive impulse, as can be found in any sister commonwealth? Then let them be developed, cultivated and thoroughly trained, and no poverty of valuable results need be feared, nor any inferiority in comparison with other States be apprehended.

These episodal remarks are sufficient to indicate, in general terms, the pecuniary value, the moral, social, and intellectual bearings of an efficient school code, and may serve as collateral evidence of the wisdom of perfecting our system, as speedily as possible, in departments of acknowledged deficiency. As a people of practical views and intent on securing corresponding results, by the most direct method, we have taken the nut of other's experience, casting away the shell, and endeavored to start on our educational career on a par with our most favored sisters. It would be strange indeed, if we had not committed some mistakes and been guilty of some oversights. There have been, perhaps, more method and design in what some would regard as blunders, than might be visible, at first, to a casual observer. The education the people



desire, is one that will train their children to think, reflect and reason; that will tax their intellects, enlarge and strengthen their mental faculties, discipline their moral powers, and thus prepare them for their future conflicts with mind and matter. Nothing short of this will either meet their wants, or satisfy their wishes, for they are well aware that such a training will not only increase the dollars, but the social happiness, intellectual wealth, and moral stamina of the community, that has the wisdom, forethought, and liberality to provide the necessary means to secure it for their youth.

Such results can be reached only through able instruction and efficient supervision. These are the most vulnerable points in our system, calling for wise and prompt correction. Let them be duly considered, and their claims properly met. It is vain to expect that anything short of well disciplined minds and cultivated hearts can properly direct and secure the mental and moral development contemplated. What aid or sympathy can our youth expect from ignorance, conceit, and prejudice? How can they teach, who have need themselves to be taught, what are the first principles of even the primary branches required? No one, of sane mind and competent capacity, will question the correctness of the statement, that one of the most serious obstacles in our educational progress is the want of thoroughly trained, zealous, and devoted teachers. A jury of school examiners would have no occasion to retire for deliberation on such a question, and their foreman might announce to the court that their verdict was ready, without even leaving their seats.

If the pecuniary means for a six months' school, in the rural portions of the commonwealth, are provided, (and there is, perhaps, no question that, submitted to the people of the State on its own merits, and disconnected with any sectarian or political consideration, would receive a more cordial and general endorsement than the aforesaid period of tuition,) then the propriety, necessity, economy, and duty of making provision for the prompt removal of this impediment to our educational progress, may well challenge the attention of legislation. The propriety of it is too obvious to require argument; its necessity too manifest to need facts or illustrations; its economy too striking and palpable to demand figures, and its duty too imperative to admit of neglect or postponement. Shall educational funds, thus nobly supplemented to the extent of our minimum wants, be shamefully squandered and wasted on incompetent, unsympathising, zealous, and unawakened teachers? This will inevitably be the case, unless some wise and efficient means are adopted to dignify the employment and elevate the calling to the rank and emolument of a learned profession. One significant fact is sufficient to disclose the character and extent of our delinquency in this direction. The State has not expended a *dime* to improve her teachers, nor appropriated a *dollar* for the intellectual and moral development and culture of those who are

to train the rising generation. The days of past negligence and oversight may be winked at, but future delinquency in this matter will be entitled to no such toleration. The responsibility of inaction will be greater than that of prompt and decided action. The evil sought to be remedied is one of serious moment and increasing magnitude, retarding the progress and periling the success of an enterprise, second to no other in which the State could embark. To ignore or deny its existence, in the face of the testimony of school examiners, and the sad experience of township trustees, will perhaps not be attempted, but to admit its reality, and yet make no adequate provision for its correctness and removal, will reflect no credit or honor on those on whom this responsibility rests. While the people, in their township capacity, have nobly come forward and generously met their obligations in the erection of school houses, and thereby challenged the State to a similar liquidation of her tuition obligations, they will not cease to demand corresponding progress and provision in the department under consideration. There is both truth and logic, eloquence and emphasis in the interrogation, of what avail will be school houses and funds, if an adequate supply of competent, enthusiastic, and wide-awake teachers be wanting? The echo of that enquiry will continue to reverberate through the halls of legislation, till the object of its demands is attained, and the end of its mission is reached. The spirit thus evoked will not be laid by the magic wand of selfishness, nor the incantations of ignorance. It is nothing less than the incarnation of the spirit of the age, the embodiment of a progress, that will become more and more refulgent, till it extinguishes, in the brilliancy of its light, the last vestige of darkness, and obliterates the last trace of ignorance.

It is confidently believed, that the time has fully come, and that the necessities of the case imperatively demand the prompt establishment of such agencies, as will both improve present teachers, not beyond the disposition and capacity of progress, and convert the unwrought material into superior specimens of literary workmanship, that will be a credit to the manufacturer, and prove a valuable investment to the purchaser. The attention of the last legislature was briefly called to the subject of teachers' institutes, as an educational instrumentality, and its claims commended to their favorable consideration. The lapse of two years has only strengthened the conviction of the reality of all that was then urged in their favor. Their relative position and successful mission, in the educational code and experience of other States, warrant the belief that similar results would follow their introduction into Indiana. Individual zeal and enterprise have given them a temporary existence in a few localities, demonstrating their capacity for good, but the transfer of their moving spirits to other fields of labor has numbered the institutes among the things that were and are not. The State has hitherto extended no sympathy,

nor lent any pecuniary aid to extend and perpetuate their usefulness.

The teachers' institute and normal school, in their purpose and results, are essentially one and the same. Both aim at the improvement and elevation of those who are, or expect to be engaged in the business of teaching. While their mission is identical in character, it may also be cotemporaneous in its action. The work of training existing teachers to higher attainments, quickening their zeal, waking new enthusiasm, and prompting to corresponding effort, may be carried on simultaneously with the enterprise of converting the raw material into finished specimens of the profession. Similar in their nature, so also they must, to a great extent, be cotemporaneous and parallel in their operation. Though their historic antecedents in the older States may present a somewhat different result, yet the present experience of even those States where they are accomplishing the highest purpose of their mission, going hand in hand, clearly demonstrates the identity of their character, and the wisdom of regarding them as one and the same enterprise. The semblance of anything to the contrary is the result of circumstances, rather than any inherent dissimilarity of purpose. The suggestions of past experience and current observation concur in urging the immediate incorporation of this educational feature into our system. Have we not abundance of the raw material susceptible of being wrought into the finest specimens of artistic skill? Is there not also a large amount of unfinished fabrics, that require to be put through some additional processes before they are fit for the market, or could be advantageously offered for sale? If home manufacture of material substance is wise, economical and worthy to be fostered, then the same policy in reference to our intellectual materials, and educational necessities, will be found to be equally sound, correct and imperative. Let our own sons and daughters be trained to the noble work, the high calling, the honorable, if not the remunerative mission of the teacher. Their sympathies, associations and habits are favorable antecedents, as well as reliable pledges, that they would not disappoint any reasonable expectations. Were wise and efficient provisions made for this professional culture, many of our finest minds would be induced to enter the profession, and many, now the merest apologies, would be compelled to leave it for their country's welfare and their own peace. Our necessities demand that there should be no unnecessary delay, no faint-hearted postponement of the enterprise to some distant "good day coming," but prompt yet prudent and efficient action. The following plan is submitted for consideration. It is believed that it embodies a sufficient amount of valuable experience, and results of careful observation of the working of this kind of educational machinery elsewhere, to entitle it to a candid examination and adoption, if, after a thorough scrutiny, it should not be found essentially defective. In the establishment of normal schools for a State of our dimensions, present and

prospective population, it must not be forgotten that a metropolitan establishment will not meet our wants, nor answer our expectations. To make the normal school feature an integral part of our system, and imbed it in the sympathies of our teachers and the hearts of the people, it must have flexibility enough to bring it in contact with the masses, and its practical utility must be so obvious as to challenge notice and approval. Possessing these characteristics it cannot fail of success. To give it such an embodiment there must be at least *four locations*, with suitable buildings, apparatus and libraries. When these are provided by corporations, created for educational purposes, and a suitable faculty of teachers connected therewith, approved by the State board of education, the State of Indiana will appropriate a suitable sum to pay the salaries of said faculty for a definite number of years.

These faculties shall perform a specific amount and kind of service prescribed by the State board, in general outline substantially the following: Teach sixteen weeks in the winter and twelve in the summer, spend six weeks in the spring and six in the autumn in conducting teachers' institutes, of a week each, in the several counties of their respective districts. This arrangement contemplates an appropriate union, a parallel operation and practical combination of the institute and normal school. The wisdom and economy of the plan will appear in its practical results. Teachers' institutes heretofore have had no connection with normal schools, being conducted by those temporarily employed for the purpose, associated only for a few months, and the corps, once dissolved, never re-united. Thus the experience acquired, the acquaintance formed with school officers and friends of education, the facility of imparting instruction, and the acquisition of professional knowledge have been lost, to no slight extent, to the cause of education, merely by the withdrawal of their possessors from active service. Under the operation of a distinct and independent action of these co-ordinate enterprises, there has existed no special sympathy between them, there has been no peculiar bond of union indicative of substantial identity, and consequently much has been irrecoverably thrown away and sacrificed, from a mere want of unity of plan and harmony of action. The adoption of the plan suggested, would consummate this unity of design and harmony of action, secure to the cause of education the benefit of the aforesaid experience, perpetuate in no slight degree this accumulation of professional capital, and turn social intercourse and acquaintance to valuable account. The labors of these professors in the schools for seven months in the year, could not fail to make them thorough, accurate and expert instructors, and the three months' field service would popularize their talents and attainments, in a manner that would be seen and felt most happily, both in their home and excursion labors. This arrangement of professional duties would bring them in contact and sympathy with the masses of their fellow-citizens, make large drafts on their literary capital, furnish ample



opportunity for social intercourse and acquaintance with school officers, and friends of education in all the counties in the State. Teachers' drills by day and popular lectures at night, during five consecutive days, for a series of weeks, spring and autumn, would soon revolutionize the commonwealth. The influence and power of such labors cannot be fully expressed. It would fall like the dew of heaven on thousands of our young and susceptible hearts, moulding the character and impelling to noble deeds and generous endeavor. Such enterprise and labor would open in every county springs of perennial supply for the normal school, and also create a demand for all the manufactured articles, as soon as they were ready for the market.

The establishment of teachers' institutes and normal schools is not a visionary scheme. There is not a State north or east of us, that has not made some public provision for teachers' institutes, and but three of the aforesaid commonwealths are without normal schools. We have the benefit of their experience. In New York, metropolitan centralization presents its claims and exhibits its results. In Massachusetts, we have the appropriate workings of the opposite policy. The former, with her three millions of inhabitants, has only *one*, while the latter with one-third of the population, has established *four*. The example of Massachusetts promises to meet our wants more effectually, than the policy of the Empire State. It will be perceived, at the first glance, that the plan proposed contemplates the union of public and private enterprise. The State proposes to any association of her citizens for educational purposes, in suitable localities, a partnership for seven years, renewable at the pleasure of the parties, for the establishment of normal schools, on the basis, that the association shall furnish the building, apparatus, etc., elect the professors, subject to the State board's approval, and that she will pay the salaries of the faculty, and exercise a co-ordinate control of the enterprise through her State board. By this arrangement she will have the benefit of private enterprise, zeal, and experience, confine her appropriation entirely to *tuition and lecture service*, invest nothing in destructible property, and secure the establishment of them, when and where they are wanted. If she can get no partners on these terms, it will be partial proof, inferential evidence, that the time for their establishment has not arrived, or, that her terms are not sufficiently liberal.

The proposed arrangement would obviate a difficulty and remedy an evil connected with the isolated action of these two methods of accomplishing one and the same object, the improvement of teachers. The institute is nothing else, in fact, than a normal school, only limited in the period of its duration, and migratory in the location of its operation. The essential elements of both are the same, the means employed substantially alike, and the results contemplated identical. This plan would unite elements and efforts elsewhere disjointed. Teachers' institutes have accom-

plished far less than they would and ought to have effected, just in consequence of the temporary character of the provision for their support, their isolated position, and the annual change of the corps of instructors. On the plan contemplated, the normal school would be converted, semi-annually, into a teachers' institute for six weeks, to the manifest advancement of the cause and to the physical recreation of the teachers. These professors, by their evening lectures, would become important aids to the State Superintendent, and these semi-annual gatherings of teachers and friends of education, in all the counties, would furnish the Superintendent with the choicest material, on which to exercise his skill, and provide him with an audience well suited to awaken his zeal, call forth his eloquence, and quicken his educational enthusiasm. The generous rivalry, naturally created between these normal faculties, would be a reliable guarantee of progress. They would become efficient co-laborers with the school examiners, valuable assistants to the Superintendent, and important counselors and co-adjutors with the State board of education. The adoption of the aforesaid plan, would give a symmetry, completeness, and efficiency to our system, that it does not now possess, and for the want of which, it must continue to languish and correspondingly fail of accomplishing its appropriate mission. The expense of the four normal school faculties, on the plan proposed, drawn from the annual proceeds of the school funds, would not lessen the appropriation to the children of the commonwealth *three cents apiece*; while the results and beneficial bearing of their labors, on the educational progress of our youth, would be four fold the amount of permanent benefit, that could be realized from the expenditure of the aforesaid *three cents* per scholar in tuition of the present grade. Every consideration, both of economy, progress and humanity, urges the adoption of the proposed plan, or something better than this, which the wisdom and experience of the legislature may suggest. No time should be lost in the introduction of this element into our educational system. With all the dispatch that the nature of the case admits of, it would be but barely practicable to get even a portion of the proposed machinery in successful operation, before your successors will assemble. If no action in the case is had by the present legislature, it will be nearly or quite four years, before the commonwealth can enjoy the benefits anticipated from such action.

It would seem almost superfluous to urge the establishment of such educational machinery, where the need of it is so pressing and obvious. There is probably not a school examiner in the State, whose testimony on this point would not corroborate the wisdom and necessity of such a measure. Incompetent instruction is one of the most serious impediments in our way. The time of our youth is not unfrequently wasted, and often worse than thrown away. Under the tuition of teachers with but little mental and



moral culture, and refinement, and possessing no professional enthusiasm nor sympathy with their youthful charge, how can our children's intellects be successfully developed and disciplined? How can their moral sympathies be properly cultivated by those, whose hearts are not in harmony with anything that is pure and lovely, and of good report? We want not only a six months' school for our children every year, in the rural portions of the State, but we are in still more pressing need of teachers of the right stamp. Ample tuition funds, with a corresponding advance in the attainments and qualifications of the teachers, would rather aggravate than mitigate the evil, increase rather than lessen the disastrous results already experienced. Supplies adequate to our necessities in this department will be sought in vain from sister States. We have ample materials within ourselves, waiting only development and culture, to meet all our educational exigencies. Shall the means for their appropriate preparation be provided, is the question now claiming attention and solution.

#### TOWNSHIP LIBRARIES.

Sufficient time has elapsed since the first selection of books was distributed to the townships, to test, to a limited extent, the capacity of the liberal feature as an educational instrumentality, as an appropriate adjunct of our school system. It has, even in the brief period of its operation, accomplished results equal to the most sanguine expectations of its friends, and fully redeemed their pledges in its behalf. The reports from many townships will show that the number of books taken out, in twelve consecutive months, is equal to from one to twenty times the entire number in the library, a case perhaps without a parallel in the history of popular reading.

The books of the second purchase have just been distributed, and their reception has awakened a new interest and imparted a fresh impulse to the reading spirit of the communities that cluster around these literary foci, established in our nine hundred and forty townships. The last selection contemplated the literary wants of all classes, youth and adults, and was intended to gratify the tastes of every calling and pursuit of life. The merchant and the farmer, the mechanic and the physician, the lawyer and the preacher, the youth in his teens and the sire in the evening of age, will find something to amuse, entertain and instruct in that collection. It will be found, on close inspection, to have laid biography and history, travels and science, poetry and ethics under heavy contribution. It will furnish rich materials for the discipline of the mental and the culture of the moral powers, refine the taste, chasten yet gratify the imagination, inculcate virtue, rebuke vice, foster temperance, strengthen patriotism, encourage enterprise, confirm and establish whatever is lovely and of good report in character and praiseworthy in action. Such elements of power, such capacities

to move and bless, once brought in contact with plastic mind, will produce their legitimate results and be seen in the removal of ignorance and prejudice, the diffusion of knowledge, the induction of truth and the culture of godliness. A mere glance at the catalogue of the aforesaid purchase, found in the appendix, will satisfy the most casual observer that every department of literature has been taxed. Our juveniles will find that their wants and tastes have not been overlooked. Ample instruction, happily combined with amusement, will be found in the Rollo books, the Jonas and Lucy series. Cousin Alice will sweetly lead them along the path of virtue. The Aimwell stories will teach them to shun vicious habits and cultivate virtuous principles. Old Humphrey, in his quaint manner, will inculcate lessons not soon to be forgotten. Woodworth's and Chamber's Miscellanies, the Cabinet Histories of the States, Aunt Kitty's Tales, and scores of other works on the list, will furnish ample means for mental and moral training. Our youth will have no occasion to resort to places and amusement of doubtful character for entertainment. Their leisure hours can be spent in the society and converse of the most gifted intellects, and their wintry evenings can all be converted into capital that will be unaffected by the fluctuations of market or the vicissitudes of the stock board. The merchant's clerk will find much to impel him forward in the way of patient, persevering and virtuous effort, in the Life of Amos Lawrence, Worth and Wealth, and The Successful Merchant. The mechanic's apprentice will meet with no lack of incentives to noble deeds and patient toil in the perusal of such works as Knowledge is Power, Success in Life, The Lives of Rittenhouse and Franklin, Fulton and Whitney. Our youth of all pursuits and both sexes will find the library a rich and inexhaustable source of instruction, counsel and entertainment, conducting them into every department of literature, science and the arts. Gold and the Gospel, The Man of Business, and other works of kindred character, will aid both youth and adults to conduct their enterprises successfully for both worlds.

As an educator, the library will accomplish three-fold more than the same amount of funds expended for it could effect in any other way. Look at what it has done in scores of our townships. It is not the fault of the library, if a like result has not been reached in all our corporations. As a teacher, it may prosecute its silent and unobtrusive labor around the hearth-stones, during the entire year. It may take up its abode in every family, entertain the parents and instruct the children, without exhausting the widow's substance or occupying the prophet's chamber. As a companion, it will make home more attractive, the family circle more happy, neutralize the charms of the oyster saloon, the ball-room, the restaurant and the convivial club, and throw around our youth a protection against the seductions of the card table, the wine cup and the theatre, more potent than legislative enactments. Shall not such an instructor be encouraged in his mission of light and

love? Shall not his services be secured for the training of our youth and the instruction of our adults?

Were it made an integral part of the system, for merely five years, and at an expense of only *two-fifths* of the present levy, it would need nothing more to convince the most skeptical of its economical and effective character as an educator. Reports from ninety township boards, giving the number of volumes taken out of their respective libraries, during twelve consecutive months, and expressing their views of its worth, as an educational instrumentality, have been received at this department, independent of the report through the auditors. Did time and space permit, it would be interesting to make numerous and copious extracts from these documents. A few must suffice. A township in Dea:born county reports 326 volumes in the library, and 1,525 taken out during the year, and then adds, "Our State never adopted so wise a plan for the diffusion of useful knowledge as the township library." A township in Fountain county reports 325 volumes in the library, and 2,296 volumes taken out. A township in Franklin county, with 328 volumes, reports 2,075 volumes taken out, and then adds, "This, we think, shows clearly enough in what estimation the library system is held by our fellow-citizens. From *no one* have we ever heard a complaint on this subject." A township in Gibson county, with 325 volumes, reports 778 volumes taken out, and then remarks, "There are many of our citizens who deem our library a useless burden of taxation." A township in Grant county, with 327 volumes, reports 1,900 volumes taken out, and then adds, "The library feature attached to the school system is one that should meet the approbation of every intelligent mind." A township in Harrison county, with 322 volumes, reports 1,237 volumes taken out, and proceeds to say, "We consider the library feature of our system the most valuable one in it. In fact it is the only one from which we have derived full and ample advantages. We feel that the library system deserves to rank first in the cause of public instruction." A township in Henry county, with 255 volumes, reports 1948 volumes taken out, and adds, "These township libraries are a great institution." A township in Knox county, with 219 volumes, reports 561 volumes taken out, and then observes, that "there are but about thirty persons of our township that have used the library. The board think it a great addition to our school system." A township in Jennings county, with 326 volumes, reports 746 volumes taken out, and then closes with the remark, "This township desires no more books in the library until we acquire a taste for the books furnished us." A township in Laporte county, with only 160 volumes, reports 714 volumes taken out, and remarks, "From the above statement, you will perceive that the library is held in high estimation." A township in Morgan county, with 214 volumes, reports 618 volumes taken out, and adds, "The library is held in great esteem." A township in Noble county, with 325 volumes, reports 1,369 volumes

taken out, and remarks, "The books are well received and read in this township." A township in Posey county, with 492 volumes, reports 2,962 volumes taken out, and closes with an eulogy too long to be quoted. A township in Ripley county, with 331 volumes, reports 2,000 taken out, and remarks, "We look on the library system as of great importance to our educational interests, in this township." A township in Rush county, with 328 volumes, reports 1,569 volumes taken out, and adds, "We know of many youth, who, previous to its introduction, spent nearly the whole of the sabbath in fishing, or roaming in quest of mischief, and their winter evenings in idleness, who now spend their time in reading, thus furnishing a noble example for their elders." A township of Warrick county reports 1,920 volumes taken out, and adds, "The trustees are much in favor of the library, and would be glad to have it a permanent institution." A township in Washington county, with 225 volumes, reports 1,920 volumes taken out, and remarks, "As far as information has been obtained, the citizens are unfavorable to having the library feature incorporated into our educational code." A remarkable deduction from the cheering fact, that the number of volumes taken out is more than equivalent to the entire library being taken out *eight times* in one year. A township in Vermillion county, with 325 volumes, reports 1,130 taken out, and adds, "It is a good feature in our system, and should be continued." A township in Vanderburgh county, with 325 volumes, reports 7,600 volumes taken out.

More facts of a similar character might be given from other counties, were it necessary. They will be found embodied in the tabular portion of this report, under their appropriate head. Look at the report from St. Joseph county. Why may not similar exhibits be received from all our counties in subsequent years? From a careful comparison of the number of volumes in the several township libraries, with the number taken out during twelve months, it will be seen in what localities they have done the most, and also where they have failed to accomplish their appropriate mission. It is proper to remark, in this connection, that the number of volumes taken out of the libraries, is but an imperfect exhibit of the true number read by the families, into which these volumes find their way, from the simple fact, that almost every volume that goes into many a family, will be read by several members of that circle. With these results of its operation for one year, and these suggestions of township officers, relative to the estimation in which the library feature is held by the people, it will not be difficult to perceive its value as an educational instrumentality, and the importance of it becoming a permanent feature of our school system. If adopted, it will do more to lessen, at the next census, the number of adults unable to read, than three fold the amount thus expended could possibly effect in any other way.

The intermittent policy of the past, in relation to the library, is



anything but favorable to literary growth and vigor, and it is to be hoped that it will now be abandoned for something wiser, better, and more in accordance with experience. Were the library tax reduced from twenty-five cents on the \$1000 worth of property, to ten cents, and a similar reduction on the poll, the proceeds from year to year would be amply sufficient to keep the library in a process of vigorous growth. Such an assessment could hardly be perceived by any, in the amount of his annual tax bill, from the fact that this levy, on three fourth of the tax payers of Indiana, would vary from *ten* to *twenty* cents, but could not exceed the latter sum. Where is the man that would deny the youth and adults of the commonwealth so rich a boon as the library, to save the aforesaid pittance? Nothing more need be said. The blessing and its cost are fairly presented.

Provision should be made to remedy an infelicity now existing in some townships. The statute contemplates only townships, and requires the libraries to be distributed to them. Cities, and incorporated towns, within the limits of said townships, as constructively included, but by the letter of the law, the township trustees have the control of the library. Evils and infelicities that have occurred, and may still result from that source, could all be corrected by giving the control of the library, in all such townships, to the corporate authorities within their limits, when the population of said corporations exceeds the population of the township proper. This arrangement would give general satisfaction, for the said corporations are generally the civil, social and business centers, calling the people to them for various purposes, and therefore would be the most convenient points for the location of the libraries. Nothing could be more appropriate in this connection, than the suggestion that provision should be made to place either an hundred volumes of the township library, annually for five years, in the blind, deaf and dumb, and insane asylums, and also in the penitentiary and the house of refuge, or seventy-five dollars of the library fund at the disposal of the superintendents of the first three institutions, to be expended under their direction as they may prefer.

It was found, on examination, to be utterly impracticable to supplement the first selection, to those townships receiving only a part of a library, from the fact, that when the libraries of the first purchase reached the counties, they underwent all manner of subdivisions in their apportionment to the townships. Unable to ascertain what the size and character of these sections were, the Superintendent was compelled to prepare, for the examination and acceptance of the board, an entirely new and independent list of books. To do this, and classify them on the principle suggested in the third report, to the extent of the claims of the large townships, was a task of no ordinary difficulty, delicacy and responsibility. The discharge of that duty has occasioned more anxious thought and sleepless hours, than all other duties beside. The

whole matter of classification and distribution has been reduced to a system, that will render the labor hereafter, in this department, comparatively easy. New works, as they appear, can be introduced at any point on the list, without interference with those preceding or succeeding them in said catalogue. The plan combines a compass and flexibility adequate to any necessities of the system. There will be uniformity in the libraries as far as equality of numbers exists, beyond that, diversity to the extent of the said inequality. Some works occupy a position on the catalogue that will place them in but few townships this year, because they did not appear till after the catalogue had been partially completed, or the edition of them, in the market, was too limited to meet the demands of a higher position on the list. In a subsequent purchase, they can be advanced to a more favorable position. The expense of the distribution of the recent purchase, will be materially lessened by the shipment directly, from the house furnishing them, to the counties, thus avoiding reshipment at Indianapolis. The method adopted for the settlement of the transportation charges will also diminish the trouble as well as increase the dispatch of the adjustment. Many past perplexities, inequalities and vexations need not be experienced hereafter.

Since the last report, the board of education have purchased, and distributed to all the townships, a copy of the Pennsylvania School Architecture, a work that may be regarded as one of sterling character in that department, from the fact that the Keystone State has placed a copy of it in each of her school districts. The board entered into a contract with Messrs. H. W. DERBY & Co., Cincinnati, to furnish \$110,000 worth of books to be distributed to the townships, on the basis specified by the revised school law, involving an apportionment of books to each of the nine hundred and forty corporations, varying in value from \$5,00 to \$2,010.

#### GRADED SCHOOLS.

Among the encouraging indications of educational progress in our State, the gradual increase of the number of graded schools may be specified. Insuperable obstacles in the way of their establishment existed in almost all our large towns and cities, four years since. These impediments, however, are beginning to yield to the pressure of public sentiment in favor of such organizations. At the period aboved named, there were but two of our corporations that could make any show of buildings, suitable for the accommodation of such schools. Since that time, structures, far superior to anything that existed at that period in the State, have been erected in a number of our cities and large towns. The graded system has been inaugurated in some half dozen of our corporations, and is now passing through the experience of infancy, struggling with the difficulties incident to new enterprises, contending with preju-



dice, battling with selfishness, and those time honored usages, which often induce a skepticism in educational matters, that is exceedingly hard to overcome.

However essential these schools may be to a complete and efficient system, however imperious the necessity of their establishment, it would be extremely unwise to engage in the enterprise without a clear, definite, and adequate conception of their true character, and the indispensable prerequisites to their establishment and successful operation. Serious embarrassments, sad disappointments, and utter failures have frequently resulted from the want of such knowledge, and the lack of such prudence. Without able and experienced teachers, competent to inspire confidence in the faint hearted, command the respect of shrewd and intelligent men, and carry such enterprises through to a successful issue, the attempt may be pronounced a failure in advance. The enterprise has been greatly crippled in some localities, in consequence of the insufficiency of the funds provided; and in others the incapacity of those charged with the supervision, and the want of adequate accommodations have seriously damaged its reputation and retarded its progress. False and erroneous conceptions of the nature of the difficulties to be encountered and overcome, a want of a proper appreciation of the requisite time and labor to secure the symmetrical development and thorough discipline of the youthful mind, a restless impatience of restraint on the part of the youth, and a lack of cordial and reliable co-operation of parents, may also be enumerated among the adverse influences these schools have encountered in the infancy of their being, in some corporations.

Notwithstanding these discouragements, and in spite of all these difficulties, the patience and perseverance of a few noble spirits have carried the graded schools, in some localities, to a point that betokens ultimate success. Although much has yet to be done, even where they have reached an auspicious result, to develop fully their worth and capacity, and establish them on a permanent basis, yet we are not without encouragement of final triumph in the conflict with selfishness, indifference, and doubt of the utility of the enterprise. Obstinate and protracted as may be the contest with these wily foes, we must not falter nor fear. Victory, complete and perfect, has crowned wise, patient and unremitted efforts elsewhere, and warrants the expectation that similar results will follow like exertions in this commonwealth.

The graded system rests on sound philosophy and may fearlessly challenge the severest scrutiny. From the searching test of its discipline, charlatanry and pretence shrink abashed. Nothing but real merit and substantial intellect can sustain its thorough training and rigid discipline. Mind, thus developed, possesses a sterling worth and permanent value. Every grade in the series of advancement, exerts a moulding influence on its inferior, and also feels the corresponding power of its superior. Here is the secret of its might, the hiding of its power. Intellect, thus impelling

and impelled, must unfold and develop rapidly, successfully, and the result will ultimately vindicate the claims of the system to the respect and confidence of the world. Such schools will also furnish no inconsiderable number of well trained teachers to meet the wants of adjacent regions, as well as their own corporations.

#### STATE TEACHERS' ASSOCIATION.

The hopes inspired by the organization of the State Teachers' Association have been realized to the full extent of rational expectation. The annual and semi-annual meetings of the teachers of a commonwealth cannot fail to exert a happy influence on its educational interests and progress. The results already reached in the experience of this association harmonize with the above remark, and confirm the wisdom and practical value of such periodical union of the teachers of the State. It enlarges the circle of professional acquaintance, brings them into more intimate social relations, cultivates the sympathies and makes their combined experience, to a certain extent, available to individual improvement and professional culture. Such an organization is an exponent of the educational zeal of the fraternity. Its claims to the favorable regard and consideration of the community have been most cheerfully recognized in the liberal hospitality extended to its members at these semi-annual gatherings, by the citizens of the places where the meetings have been held. There is, therefore, an obvious propriety, not only of noticing, in the annual report of this department, the existence and operation of said association as a significant sign of educational progress, but also of suggesting that the legislature might receive valuable information and derive important assistance from the experience and observation of such a body, when expressed in formal resolutions or deliberate petition. The School Journal, published under the auspices of this association, has proved an efficient and popular coadjutor in the work, in which its projectors are embarked, and promises to become an important auxiliary to the cause of popular education, and might be made the organ of communication between this department and the township school boards and county auditors.

#### TEXT BOOKS.

The preparation and publication of school books is a department of literary and manufacturing enterprise, that involves no small amount of capital, and calls for no slight degree of mental activity and toil. Its issues not only indicate that capital is astir, stimulating art to perfect her skill in abbreviating the processes of labor, but that mind is emphatically awake and at work, in embodying the results of experience and in the reduction of theory to effective practice. The almost simultaneous appearance of valuable text books on the same subject, shows how vigilant to secure the

patronage and smiles of the public, are the patient author, the indefatigable compiler, and the enterprising publisher. The frequent contemporaneous preparation and issue of valuable works in this department, make it necessary for those, charged with the duty of selection and recommendation of these school manuals, occasionally to revise and enlarge their selection, in order to keep up with the progress of the age, and meet the demands of the times.

The list of text books, selected by the first board, has undergone but one change. Several works have recently been issued from the press, supplying wants that have long been felt in the school room. The second board have deemed it to be their duty to add some of these, as an appropriate supplement, called for by the moral and literary necessities of our youth. The list thus supplemented furnishes an array of educational helps to both teachers and pupils, which appropriately and faithfully used, will render important service to the cause of education. The following works compose the revised list of text books, recommended to be used in our schools :

The Bible. Cowdry's Moral Lessons.  
 McGuffey's Eclectic Speller. Smith's Juvenile Denfmer.  
 Indiana I, II, III, IV, Readers. Martin's Orthœpist.  
 Monteith's Manuel of Geography. McNally's Geography.  
 Warren's Physical Geography. Ray's Arithmetic, Parts I, II, III.  
 Butler's English Grammar. Wilson's Elements of Punctuation.  
 Brookfield's First Book in Composition.  
 Payson, Dunton and Scribner's Penmanship.  
 Berard's School History of the United States.  
 Cutter's Physiology and Hygiene. (School Edition.)  
 Ray's Algebra. Parker's Philosophy. Webster's Dictionaries.  
 American School Hymn Book.  
 West's School Register and Class Book.

#### SUPERINTENENT OF PUBLIC INSTRUCTION.

The duties devolving on this officer and involving an amount of care, anxiety, and responsibility of no ordinary character, justly entitle him to the generous sympathy of the friends of education, and the cordial co-operation of both teachers and parents. The position, assigned him, while it is both prominent and responsible, is also one, to a great extent, isolated and peculiar. With none of kindred sympathies and experience, as immediate coadjutors, to aid him in the work of supervision, it would not be strange, if his spirits did sometimes flag, his zeal lose something of its ardor, and his faith something of its firmness, as he contemplates the field calling for supervision and culture.

One, who has addressed the assembled wisdom of Indiana for six consecutive years, on the subject of her educational interests,

in the unofficial capacity of "One of the People," may be pardoned, if, in closing his third report, as Superintendent of Public Instruction, he should take the liberty to express his views, fully, frankly, and fearlessly in relation to a matter of vital interest to the successful mission of those, who may, from time to time, be called to fill that office and discharge its appropriate functions. Retiring from a post, which was originally neither sought nor desired, and consequently is now left with no feelings of regret, except such as must be experienced by every ingenuous mind, from a consciousness of its own imperfection, and the magnitude and importance of the cause in charge, it is but natural to suppose that he should feel anxious to remove every impediment from the path of his successors. He must be permitted to say with all plainness, that there is nothing more disastrous to personal comfort and official success, than for that functionary to go forth to his work under the auspices of party triumph. If a strong and bitter partisan himself, he will awaken prejudice by his very presence, provoke opposition by the mere recollection of the recent conflict, and soon discover his plans for progress more or less thwarted by influences originating in partisan intolerance. Even if his political antecedents have not created animosities, yet his party affinities will be sufficient, in the estimation of not a few, to entitle him to a cool reception and to a heartless co-operation. While there may be noble exceptions to the above remark, yet the general tendency is all in that direction. Such are the proclivities of human nature, that we can scarcely expect an other result.

Politics should have nothing to do with the selection of the candidate for Superintendent of Public Instruction. It should not intrude into the sacred precincts of education, nor lay its unsanctified hands on her ark. As well and wisely might it arrogate the power and province of dictating who should be the religious teacher of a community, as to claim the right of applying political shibboleths to educational servants. If it would be the consummation of folly to make the school master's political faith the basis of his employment; how much more unwise and absurd to act on that principle, in the selection of the individual who shall have the supervision of both the work and the workmen? Why subject that officer to such adverse influences, why compel him to encounter and struggle with such relentless foes, why embarrass the work and unnecessarily impede the progress of an enterprise, which, by no inquisitorial torture, can be made to assume a partisan character, or accomplish a partisan mission?

Let the political parties say, and carry out the declaration in good faith, the teachers and friends of education may control that nomination, and we will accept and endorse their action in the premises. Thus the superintendency of our educational interests would be withdrawn from party conflict, and its incumbent cease to be regarded as the embodiment of partisan zeal and success.



As he must be elected by the popular vote, this seems the only feasible method of extricating that office from the whirlpool of politics, and placing the Superintendent in a position where he will be regarded with equal interest by all his fellow citizens, without reference to party preferences. This arrangement would also partially remedy the evil growing out of the constitutional brevity of the official term of service. It is a serious loss to the educational interests of the State, to be subject to such changes, as practically deprive the commonwealth of all the benefits of the experience of the Superintendent's two years labor. Though the aforesaid term may be as long as the ceaseless toil and unremitting pressure of responsibility will make the office an object of desire to any one, who faithfully discharges its arduous duties, yet the State loses not a little by the withdrawal from her service of the practical experience, facility of labor, and minute acquaintance with the details of the system, necessarily involved in the changes incident to the aforesaid constitutional infelicity.

The time at which the Superintendent should enter on the duties of his office, should be the second Monday of March, instead of the second Monday of February, as it now is. The reasons for this change are obvious and wise. It would give him time to complete his report and carry it through the press, be associated with the Educational Committees of the Legislature, in perfecting the system, and relieve his successor of the embarrassment, necessarily connected with being called on to aid in educational legislation, before he had become familiar with the principles, workings, and defects of the code. As it now is, through the delays occasioned by the failure to receive auditors' reports, it is impossible to have the Superintendent's report placed on the legislators' desks before his official life expires.

The experience of the past two years and a quarter, suggests the propriety of curtailing the term of employing a clerk from six to three months annually. Such is the nature of the official correspondence, that almost no part of it can properly be conducted by a clerk. The preparation of the statistical portion of the annual report, is the principal labor that such an assistant can advantageously perform.

#### BOARD OF EDUCATION.

Should the normal feature, suggested in a previous part of this report, be incorporated into the school code, it will be necessary to make a corresponding change in the composition of the board. Ex-officio members, charged with prior and paramount responsibilities, cannot discharge the duties the statute will demand. The State officers cannot leave their posts to attend the protracted examinations of normal schools, and many other educational interests, nor do their peculiar labors and duties indicate any special affinity or fitness for the supervision of the educational progress of

the commonwealth, or suggest any valid reason, why they should be preferred to others more immediately and permanently identified with the school enterprise.

In case the proposed modification of our code be adopted, it will be desirable that said board should not consist of more than six members, and that one-third of them should go out of office biennially. This arrangement would retain a fair portion of experience in the board for working purposes, that could hardly fail to accomplish its legitimate mission. The term of office would secure to the State the benefit of the large experience and extensive observation of the members, and guard against fickleness and fluctuation in our educational policy. Their semi-annual meetings and consultations would be of great service to the cause, and their counsels of corresponding interest and value to the Superintendent.

The compensation for their services would not be an item of any considerable amount, and therefore could not be urged as a valid objection to the change. There are men of large experience and still larger hearts, who would serve the commonwealth in that capacity for a per diem consideration, that would not tempt them from their homes to aid in any other enterprise. Shall the cause be deprived of the benefit of their counsels, care and supervision, to save the mere pittance of the expense of their semi-annual sessions? These suggestions are made, not from any want of respect to the past or present State board, but from the conviction that the interests of education should have the benefit of counsels and deliberations more profound and protracted, than they can receive from men burdened with a multiplicity of cares and responsibilities of a very dissimilar character. A State board of education, of the number of members and period of office aforesaid, could take charge of the educational interests of the commonwealth, in all their ramifications, aid the Superintendent in his work, supervise the normal schools, and visit the colleges. The entire expense of their labors would not exceed the sum appropriated to pay the per diem and traveling expenses of the trustees of the State university.

#### SCHOOL FUNDS.

It is desirable, in the annual exhibit of our school funds, that their character, as well as the amount, should be apparent at the first glance. Wrong impressions have often been made, and hopes awakened, that distant years will hardly realize, by a general statement, without explanation or classification, into productive and unproductive, special and common, real and prospective. Swamp land expectations have vanished "like the baseless fabric of a vision," and our children have been too long educated on bank fund hopes, in advance. These magnificent funds have stood in the way of more substantial provision for current wants, in years



that are past, and many of our youth have found themselves pushed out on the sea of active life, while gazing on the glories of "the good time coming." Let us be no longer beguiled with such future blessedness, to the neglect of the present and pressing necessities of our children.

The provisions of the statute of 1855, requiring the county auditors to separate the school funds, previously consolidated, in accordance with the decision of the supreme court, were not carried into execution, in all the counties, in season to place it in the power of the Superintendent to incorporate the result in the last report. A tabular exhibit of each of these funds will be found in the appendix, showing the amount of each, the sum refunded, the portion deemed unsafe, or lost, and the interest received. This will enable any one interested in the investigation of our educational funds, to ascertain the precise amount of these auxiliaries. The great disparity in the amount of interest reported from counties, possessing nearly the same amount of funds, discloses the fact, that there is great irregularity in the annual collection of interest, and consequently a corresponding inflation or contraction of the disposable amount to each township, from the special fund, as well as a corresponding fluctuation in the receipts of interest on the common fund. The interest on common fund, reported as collected in 1855, was \$45,843 74; in 1856, it was \$51,779 89. That tabular exhibit will also suggest the wisdom of adopting some mode of investment that will obviate these glaring defects of the present method. Here we see great irregularity in the receipt of interest, a large amount lost, or deemed unsafe, great expense and trouble connected with the care and custody of the funds, and no small amount of labor and vexation incident to obtaining annual reports. The executive recommendation to invest these funds, as fast as they are refunded, in State bonds, and thereby save the present expense of their custody, remove all risk of loss, and secure a full and prompt payment of interest, is certainly worthy of the highest consideration. Ohio converted her school funds into an "inextinguishable debt," several years since. It could all be withdrawn, even at the present rate of refunding, in a few years, without oppressing any one of its present borrowers.

Perhaps it may be said by some, that the people would not consent to have these county loan offices closed, and their assets converted into State bonds, or an inextinguishable debt, on which the State would pay the annual interest. They are, to be sure, a great accommodation to the money-borrowing portion of the community, and afford bank facilities, of a very peculiar and favorable character, to those in want of small sums. This side of the picture appears very well, but the reverse is quite a different thing. The counties are held responsible for the safety of the school funds loaned by their officers. What else is this loaning scheme, than a county bank, with an individual liability clause, on *constructive stockholders*, with a vengeance? Why should unborrowing tax

payers be made the unwilling endorsers of the paper of their borrowing neighbors? If the counties are responsible for the integrity of the funds, then the losses must be made up by a county tax. Let the people look at the amount reported as lost, or unsafe, and then enquire whether they wish the masses to be taxed to make good the insolvency of any of the unfortunate borrowers of school funds? It is time that these county banks, with the people's names *constructively* attached to their notes for security, should be closed. There would be an economy, security, and a prompt and uniform payment of interest on school funds, on the plan suggested, of investment in State bonds, or an inextinguishable debt, that can never be realized by the present method of loaning. The amount of interest on the common fund, reported as paid by borrowers, in 1856, was \$61,398 54, while the amount paid into the State treasury, in 1856, is only \$51,779 89.

The school system would be relieved of no inconsiderable amount of prejudice and opposition, that it now encounters, if the expenses of the collection of the school taxes, and interest, were paid out of the general fund, and their entire proceeds, undiminished by any collection charge whatever, could be appropriated to educational purposes. It would cost the people no more than it now does, and they would have the satisfaction of knowing that these funds, at least, reached their ultimate destination, unimpaired by any deduction on their passage from the pockets of the people to the tuition of their children. It would disarm prejudice of much of its power, leave selfishness without a shelter, and strip opposition of one of its most potent weapons.

One step in that direction, most cordially approved by the people, was taken by your predecessors, in the incorporation into the statute of the following clause: "The income of which, together with the taxes mentioned and specified in the first section of this act, shall be applied, *exclusively*, to furnish tuition in the common schools of the State." That amendment compelled the townships to provide the means for the payment of the trustees' educational services. Another step of similar character would complete the work, and reach a result that would assure the tax payers that every dime that reached the county treasury, would be converted into tuition. Let the counties pay the expense of collection and disbursement. Such a requisition would be but a consistent finale of the policy, whose inception is embodied in the aforesaid clause of the revised school law of 1855. Even a fair and legitimate construction of said clause, would be as fatal to county officers' claims, as to township trustees' demands, for the statute does not say the *net proceeds*, but "the income of which, together with the taxes, shall be applied, *exclusively*, to furnish tuition in the common schools of the State."

Our educational funds, duly classified, presents the following exhibit:

	PRODUCTIVE.	UNPRODUCTIVE.
Special fund.....	\$1,874,430 04	\$151,590 00
Common fund.....	910,928 83	1,955,461 59
Common fund loaned from State Treasury.....	37,455 78	
Total .....	\$2,822,814 65	\$2,107,051 59

The details, from which the above summary is deduced, may be presented in the following exhibit:

Special fund.....	\$1,874,430 04
Common fund on loan in the counties.....	910,928 83
Common fund on loan at the State Treasury.....	37,455 78
Estimated value of unsold school sections.....	151,590 00
Estimated value of sinking fund in the State Bank, January 7, 1857.....	1,955,461 59
Grand aggregate.....	\$4,929,866 24

The custody and distribution of the income of the *special* funds are committed to the county auditors and treasurers. The amount of interest reported this year, after deducting the officers' fees, is equivalent to *twenty-seven cents* to each of our 453,581 children, between five and twenty-one years of age. The *common* fund is an aggregate of the interest of the common fund above specified, and the tax of ten cents on the one hundred dollars, and a fifty cents poll tax. "The proceeds of the said taxes and interest, reported to the Superintendent by the second Monday of April, shall be distributed by him to the counties, and by their treasurers apportioned among the several townships of said counties." Such are the requisitions of the statute, in carrying them out, last spring, it was found, at the very latest day that could be given, *eleven counties* were unreported at this department, and their treasurers had not made their settlements with the State Treasurer, and therefore nothing definite was known relative to the available amount of either interest or taxes collected and in their hands.

One of two courses must be adopted, either act on the basis of the funds actually reported by eighty counties, and run the risk of having a large surplus on hand again, for the third time, at the close of the fiscal year, or add to the aggregate of the reported amounts, the probable sums that would be paid before the close of said year. Guided by the experience of the previous year, the Superintendent chose the latter, and fixed on an apportionment that would have left \$7,902.34 in the treasury on final settlement, and give *ninety-two cents* to each child of school age. He deemed it but just and equitable, that the treasury, having had the benefit of large school fund surplus for two successive years, should

assume the responsibility of advancing the temporary deficit for a few months, with the assurance of being reimbursed within the fiscal year. The treasurer favored the first method. A conference composed of the Governor, Treasurer and Auditor, decided adversely to the aforesaid views of the Superintendent, and an apportionment of *seventy-five cents* per scholar with the pledge of a subsequent distribution at the close of the fiscal year, should there be a large surplus on hand, was adopted. When the time for the redemption of the pledge, by a supplementary apportionment, arrived, there being no statute authorizing the distribution, and the county treasurers declining to take the trouble of a second apportionment, the purpose was abandoned. This is the simple history of that large surplus of school fund reported in the treasury, November 1, 1856. Statutory provisions should be made for its immediate apportionment to the counties.

Such results, substantially, must characterize the close of every fiscal year, under the present statute. There can be no avoiding them, while such dilatoriness in settling with the State Treasurer exists, and is tolerated, and while large sums are paid on the second settlement, unless there be a second apportionment required at the end of the fiscal year. It could be easily done, and the money paid to the townships the first day of December, without any expense of travel on the part of the county treasurer, or the cost of a single dollar. There is money in their hands at that date subject to draft, and the amount of the second apportionment to each county could be adjusted without the transfer of a single dime from the county to the State treasury, and then back again to the county. This arrangement would remove the temptation to rely on this fund for aid and comfort in the payment of the semi-annual interest on the State debt. It is time that such methods of compensation and accommodation were abandoned, and that no part of our children's educational patrimony should be subject even to such temporary appropriation.

#### CONSTITUTIONALTY OF THE EQUALIZATION PROVISION.

The constitutionality of the apportionment of the school funds to the townships, required by section 101, of the revised school law, was questioned immediately after its enactment, and a suit to test its validity was commenced in the Franklin county court, in 1855, and carried thence to the supreme court. The decision on that case was rendered at the May term of 1856, affirming the constitutional power of the legislature to require an apportionment of the common funds, so as to equalize the inequalities of the special funds, as far as possible, without diverting any of said funds from the use of the citizens of each congressional township. This decision of the supreme court settles that vexed question, and relieves the legislature from all doubt on the point of its constitutional power to remedy evils incident to the great inequality

of the proceeds of the sale of the school sections. This decision will be found in the appendix, and also a tabular exhibit of said sales in one half of the counties. The one-half reported will probably be a fair specimen of the unreported portion, and therefore we may consider the extremes set forth in that exhibit, as an average sample of the extremes of the sales. It will be seen from that condensed view, that school section sales have ranged from \$389 to \$18,084. If anything would justify a State in an effort to correct infelicities, arising from a want of a foresight of sufficient length and clearness, on the part of herself or others, this would seem to be one calling for the exercise of a wise and equitable discretion. In doing this, the State is only carrying out the modified policy of the general government, in this matter. Such a gross and palpable inequality in the enjoyment of what was intended as a common educational benefaction to the new States, was evidently not foreseen nor contemplated by Congress, as has resulted from, perhaps, the natural and legitimate construction of the language of the grant to both Ohio, Indiana, and Illinois. This infelicity has been completely obviated in subsequent educational donation to the States entering the Union since the admission of the last named member of the confederacy. The phraseology, employed in the recent compacts, clearly indicates a consciousness of the existence of the evil under which we are laboring, and the terms of the grants are so changed, that like results cannot occur hereafter. The State, therefore, acting in her parental capacity, has wisely introduced this corrective feature in her school code, and effectually remedied an evil, that had unwittingly become so completely entrenched behind the rampart of seemingly vested rights, that neither constitution nor Congress could legally dislodge it from its adventitious position. This accidental plethora will be so effectually depleted by the present provision of the statute, that there will be but little danger of the subject requiring legislative counsel or treatment hereafter.

#### COLLEGES OF THE STATE.

No intelligent friend of popular education will ever ignore the relations of the higher institutions to the more humble literary nurseries of the masses; nor will a wise and discriminating zeal for the common schools ever depreciate or underrate the elevating influence of the former on the interests and vigorous growth of the latter. They are emphatically co-laborers, and their general mission and purpose is one and identical. Though they occupy different positions in the educational series, yet they both belong to it, and are component parts of the chain that draws the race from the degradation of ignorance and vice, to the communion and sympathy with intelligence and virtue. Nor should a commonwealth, in its endeavors to elevate and improve its common schools, overlook, or treat with silent neglect the efforts of its



citizens, in the more elevated departments of education. They certainly have claims on its countenance, recognition and sympathy, and it will be most suicidal policy to ignore or deny those claims.

If educated mind be the most reliable and productive capital that a commonwealth can possess, then whatever agency increases such capital within her limits, is worthy of her most profound regard and most liberal patronage. Changes, in the routes of commerce and methods of conveyance, may render millions of invested capital not merely unproductive, but worse than a dead loss, by entailing the obligation of repair, without furnishing a dime to defray the expense. Revolutions in the mercantile world often beggar thousands, and not only strip them of their wealth, but leave their prostrate victims without recuperative energy enough to repair the disaster. Derangement of the currency has not unfrequently bankrupted the semi-millionaire, and reduced families from affluence to abject poverty. Disciplined intellects and cultivated hearts, while they are the best palliatives of such disasters, and most fruitful in devices to repair such losses, are a more substantial basis for national greatness, prosperity, and glory, than the millions of California. A State whose mental development will convert the solid ice into bank notes, transmute the ever enduring granite into gold, and convert the banks of New Foundland into banks of discount and circulation, whose dividends will be more remunerative and reliable than the promises to pay of many a lordly scheme of rascality and fraud, will have no lack of wisdom and resources to conduct her enterprises to a successful issue.

As a State, Indiana can as yet claim no merit for fostering her higher institutions, or extending to them a helping hand, or a word of maternal cheer and encouragement. Even her ward has had to rely, till recently, on the proceeds of her parental estate, and whether, even in her recent peril, her wants would have been supplied, had not the guardian been seemingly conscious of a culpable negligence in her custodial duties, is a question of doubtful issue. It is time that a more genial spirit was cultivated, and more liberal views were entertained towards the colleges of the commonwealth. A more appropriate period could not be selected for the inauguration of a new era, the introduction of a more liberal feature into her educational policy. Perfecting her school system by the light of a four year's experience, she will be able to see more clearly the vital union that exists between the various departments of education and their mutual dependence on each other.

The substantial aid and comfort rendered the State university, two years since, is an omen for good. There is the appropriate place to begin. Let the institution be, in every respect, worthy of the name she has given it. She could not well do less for the orphan committed to her care. She has received the estate, assum-



ed the guardianship, and her honor is pledged to a faithful administration of the trust. No intelligent friend of the other institutions would wish the State to have done less than she did, in the premises. Such signs of appreciation of the true character and mutual relation of colleges and subordinate institutions, are indicative of progress, and awaken the hope, that the day is not far distant, when Indiana will manifest an interest in those colleges, which have been established and sustained by the enterprise and liberality of her citizens, beyond the mere biennial congratulations of her Chief Magistrate, which however honorable to him, have never yet provoked a response from the bodies to which they have been addressed. May she, by her kind and cordial regard, give them as much cause to be proud of her sympathy and favor, as they have furnished her with occasion and opportunity to plume herself on their increasing prosperity and extending fame. These colleges, and those connected with them, have done an hundred fold more to give reputation, stability and permanent renown to the commonwealth, than she has ever done for them. She has, indeed, given them chartered rights and protection, but she also bestowed like favors on steam mills, and cotton factories. That she has ever bestowed anything more substantial on any of them, than good wishes, is unknown to fame. As a money lender, she had the grace to accept from one of them, when in her power, in addition to the full amount of her claim, a tuition bonus larger than the original loan.

Would her colleges decline such an affiliation under her maternal oversight, as would not curtail their freedom of action in the slightest degree, nor involve any restraint in the exercise of their legitimate power, but merely impose the obligation to furnish an annual report to be spread before the public in connection with the annual document from the department of public instruction? These associated institutions, in connection with the State college, might be termed the university of Indiana, under a board of regents, whose appropriate functions should be to preside over the educational interests of the commonwealth, and act in relation to the common schools, as a board of education, and in relation to the colleges, as a board of regents, entitled only to the right of visiting said institutions. Whenever the State shall see fit to establish, in each of them, a professorship of English literature, or in other words, provide the salaries of said professors, on condition that she shall have the right to send to each of them, a given number of students from each county, free of tuition, until the aggregate of said free tuition shall amount, at the usual rates, to the sum paid by the State, as the salary of said professor, she could easily arrange it, so that her investment would all be converted into tuition of worthy young men, to serve the commonwealth in some useful capacity, while, at the same time, it would be a very appropriate and significant expression of her sympathy in those enterprises, that have taxed, in no slight degree, the zeal, energies and funds of

their projectors. With such sympathy and aid, they would be nerved to more generous endeavors in the rivalry of their heavenly mission, and feel that the commonwealth was something more to them than a mere step-mother.

It will be seen, by reference to the tabular exhibit of the colleges of Indiana, in the appendix, that there have been invested in these private educational enterprises by their friends \$183,530 in college buildings, and not less than \$258,800 have been paid for instruction since their establishment. The number of students connected with them at different periods, from their origin to the present year, is 7,922. The number of graduates of each college, the number of classes that have completed the course, and the average number of said classes will be found in said tabular expose. The aggregate of their permanent endowments, as there shown, is \$325,000. The number of volumes in these college libraries, as reported, is 15,134, while the students' societies have on their library shelves no less than 8,950 volumes.

Hundreds of youth, who have received more or less training in these institutions, in some one or more of their departments, have been engaged in teaching, or are now employed in that calling. Not a few of them may be found at the bar, in the pulpit, on the bench, in the halls of legislation, both State and national, in college faculties, in the medical profession, in the walks of literature and science, engaged in agricultural or mercantile pursuits; more or less of them, the sons of Indiana, born on her soil, reared under her skies, and educated at her institutions, her glory and pride. Are not these results worthy of a formal enumeration, and do they not furnish just cause of congratulation? Let it not be forgotten, that most of these enterprises, yielding such rich and abundant fruits, had their origin anterior to the existence of anything that deserves the name of a school system in Indiana. By their fruits they shall be known, and by their fruits let their claims to consideration be tested by cotemporaries and posterity.

#### INDIANA STATE UNIVERSITY.

The present statute devolves on the State board of education, the duty of filling all vacancies in the board of trustees of said institution, occasioned by resignation, decease or expiration of the term of service. It is a singular provision, and awakens the enquiry, why was such responsibility super-added to the already multifarious duties of said board? What peculiar facilities, or pre-eminent qualifications for filling such vacancies; does the board of education possess? It would seem more natural to suppose that a board of trustees would be more competent to fill their own vacancies. Acquainted with each others executive skill, educational zeal, tact and experience, familiar with the details of its pecuniary affairs, interested in its progress and prosperity, and convinced of

the wisdom of keeping the enterprise aloof from party cabels, and the institution free from capricious changes of officers, policy and control, its trustees might be more wisely and safely entrusted with the responsibility of perpetuating the board, than a foreign body of men, remote from its locality, unacquainted, to a great extent, with its past history or present condition, and with no special interest in its welfare or success. It is unreasonable to expect that the State board of education, with its brief period of official existence, the multiplicity and diversity of the responsibilities of its individual members, could exercise the power of filling said vacancies, as judiciously as the board, in whose body they occur. It is, therefore, recommended that said power be transferred from the State board of education, to the board of trustees of the State university.

#### SCHOOL OF REFORM.

It may not be inappropriate to introduce in this connection, some suggestions relative to an enterprise, in which the State proposes soon to embark, in accordance with the beneficent requisitions of the constitution. It is but a direct and natural sequence of the educational provisions of that fundamental instrument. While we adopt wise and efficient measures for the prevention of prospective evils, we must not be insensible to the duty of correcting present ones, as far as human skill and experience can furnish reasonable hopes of success. Though proper mental and moral culture is the only reliable security against the seductions of vice, and the provision of ample means to bring our youth under the moulding influence of such training is the perfection of public economy, in its highest sense, yet thousands of the rising generation, unblest with such culture and unrestrained by parental authority, are now standing on the verge of crimes that will carry them to the penitentiary and perdition, unless some benevolent device be adopted to rescue them from the meshes of the net fast closing around their feet. To reclaim these juvenile offenders, recall them to the paths of virtuous life and restore them to heart broken mothers, redeemed from dishonor and disenthralled from vice, is an enterprise worthy of a State, a mission that touches the deepest sympathies of our nature.

The establishment of a house of refuge, as it is termed, rather an infelicitous synonym for a school of reform, cannot but be hailed as an omen for good, a harbinger of salvation to many lads, who through parental neglect or filial recklessness, have already started on the "broad guage" to ruin. The number of appropriate candidates for the corrective discipline of such an institution has been sadly augmented in many of our villages, towns and cities, through the default of the commonwealth to provide the requisite educational facilities. No time should be lost in the location of the site and the selection of the man of large experience, genial sympa-

thies and executive talent to superintend both the erection of the building and the inception of the enterprise. Since, by our past neglect and oversight, we have created the necessity for them, cost what they may, let us enter on the enterprise with a proper conception of its character and the pecuniary investment necessarily involved.

The expense of a building of suitable dimensions, fixtures and furniture to commence the experiment, will not be less than one hundred thousand dollars, with a fair prospect of enlargements, calling for thousands more. We cannot be aware of the fact too soon, nor can the conviction be impressed too deeply on the public mind, that common schools, even for nine months in the year, will be more economical than schools of reform. One, or the other must be sustained. There is no alternative. In this department of reformatory effort, it will be wise for us to profit by the experience of those who have preceded us, and avail ourselves of the results they have reached, both favorable and adverse. On the internal policy of their management, there can be no doubt. All the rays of light on this point converge to a burning focus, around which may be seen the significant motto, "the family circle." This shows that the true principle has been developed, painful and protracted as may have been the process by which it has been reached. It is the bow of promise spanning the heavens with the radiance of hope, an emblem of success to cheer us onward. If this cardinal principle underlie our enterprise, guide and control our efforts, we may confidently anticipate success.

The legitimate mission of such a school is to eradicate vicious habits and implant virtuous principles, to repress corrupt propensities and awaken generous impulses, to destroy the power of temptation by the assiduous cultivation of upright purposes and efface the corrodings of guilt by the heaven-born soothings of genuine repentance, to dissipate mental ignorance and moral darkness by the introduction of intellectual culture and bible training, to expel indolence, that hot-bed of vice and corruption, by the inculcation and practice of industry, and finally to fit its inmates for a happy restoration to the family circle, from whose enclosure they have thoughtlessly strayed, and prepare them to go forth to an earthly mission of usefulness and virtue.

#### COMMON SCHOOLS.

An educational system, imperiously demanding such a supplement as the one just contemplated, may well be deemed susceptible of expansion and improvement, in divers particulars. Let it receive the full benefit of a judicious enlargement, and the gracious impulse of such progress, and then we may hail our common schools as the true and most reliable assimilators of the heterogeneous masses, often thrown together within the limits of a single corporation. Under their moulding power, the Dutch and the



Dane, the Swiss and the Swede, the Celt and the Saxon, will commingle and fuse, till, losing their national identity and language, they become homogeneous in sympathy and speech. These schools will also prove the grand elevators of the masses to the dignity and competency of self-government. On the success of their mission depends the solution of the problem of man's capacity to govern himself—a question in fierce debate between the advocates of free and despotic governments. Rightly managed and efficiently conducted, they will likewise prove admirable conservators of our free institutions. A well governed school does more to humble arrogance, encourage virtue, stimulate effort, develop latent powers, foster modest worth, and cultivate obedience to law, than any other agency that can be named. It takes charge of the mind at a plastic age, and brings hearts in contact with truth and duty, at a period most susceptible of impression. Under teachers of the right stamp, the school discipline becomes an effective supplement to the family training. If the child has received a right direction at home, he will be confirmed and strengthened in the way of well doing, by the discipline of the school. If he has been subject to an evil bias, disobedience tolerated, and pride fostered, under the parental government, the school is the last and only hope of the youth's rescue from the thralldom of such habits. If its mild, yet firm regimen, its kind, yet unbending sway, do not effect his emancipation, there is but little hope of his escaping the incarceration of the penitentiary, or the promotion of the gallows. The school, in the accomplishment of its legitimate mission, cultivates the head and the heart, develops the intellectual and moral powers, brings into harmonious exercise the social elements of our nature, and awakens to generous sympathy the finer sensibilities of our being. Make our school system what it ought to be, and these results will be reached, these fruits will be gathered from its burdened boughs. It is susceptible of generous culture and corresponding improvement. Prune it of surplus limbs and barren branches. Insert the cions of liberal provision on the stocks of former parsimony—inoculate the thrifty limbs of selfishness with the choicest buds of a generous liberality.

A school rightly managed, properly taught, and skillfully trained, is but an educational family, in which the majesty of the law is recognised and revered. All are taught to yield a prompt and cheerful obedience to the embodiment of power and love, the impersonation of right and justice, which, to the child's unsophisticated mind, is concentrated in the person of its teacher. Habits of industry are formed and established, mutual rights recognized and respected, order appreciated and maintained, selfishness rebuked and repressed, benevolence cultivated and confirmed, and the pupil prepared, in due time, to assume and discharge the responsibilities of his political, social, and moral relations. These nurseries of our future citizens should be fostered with a care, zeal, and liberality, second only to that which guides the wise and dis-

creet parent in making the proper education of his children a consideration paramount to all others. Lands and tenements, stocks and merchandise, will not secure to their possessor, either a safe passage through this world, or furnish him a reliable title to the blessedness of the next; but mental training and moral culture, wisely combined, become a virtual pledge of a happy issue to all such aspirations and endeavors.

A brief summary of some of the more prominent results of the past year may appropriately close this report. In presenting these facts, it may serve to bring out in bolder relief, and present more vividly to the mind, the real character and extent of the progress made, to exhibit them, side by side, with a corresponding view of last year's attainment.

*Statistical Comparison of 1855 and 1856.*

	In 1855.	In 1856.	Gain.
Amount of Common School Fund distributed to counties.....	\$288,665 21	\$340,185 75	\$51,520 54
Average apportionment to each scholar .....	64.8	.75	10.2
Number of children between 5 and 21 years, reported .....	453,581	458,355	4,774
Number reported attending school .....	161,536	195,976	34,440
Number of Districts reported.....	5,170	6,463	1,293
Number of Schools reported .....	3,652	4,876	1,224
Average length of Schools in months.....	2.85	3.03	.18
Number of Male Teachers .....	3,018	3,973	955
Number of Female Teachers.....	841	1,070	229
Whole number of Teachers.....	3,859	5,043	1,184
Average wages, per month, of Male Teachers .....	\$23 00	\$23 76	\$0 76
Average wages, per month, of Female Teachers.....	\$5 72	\$6 84	\$1 12
Number of School Houses erected.....	591	650	59
Cost of said houses .....	\$166,960	\$270,883	\$103,923
Townships reporting School House tax assessed .....	413	724	311
Amount of said tax .....	\$314,272 63	\$481,832 55	\$167,559 94

Aggregate number of school houses built the last two years .....	1,241
Aggregate cost of the same .....	\$437,783 00
Total assessment for school house erection the last two years .....	\$796,105 18

This summary exhibit of results reached is certainly cheering, significant and indicative of real substantial progress. It shows that the elements of the system are sound, reliable, and greatly in advance of anything that has previously been attempted in this commonwealth. Imperfect as it may be, it has, nevertheless accomplished more within four years, nay in half of that time, than was ever effected in thrice that period, during any portion of our history. Does any one doubt it? Let him look at the *twelve hundred and forty-one* school houses erected within the last two years, at the expense of \$437,783. Let him also take into consideration the assessment of the current year, amounting to \$481,832 55, to be expended for the same purpose next season. Where can its parallel or approximation, be found in *our previous experience*. Another significant fact should not be lost sight of in estimating the merits and defects of our school code. Where is the locality, either north or south, in which an intelligent board of trustees have carried out the provisions of the statute, in their obvious import and manifest spirit, and good results have not fol-



lowed, to the full extent of the *means at command*? The name of that corporation has yet to be reported. Failure, disappointment and dissatisfaction, can be traced to two very obvious and adequate causes, incompetent officers and insufficient funds. Let the legislature furnish adequate means, and the people commit their educational interests to the custody and supervision of their most intelligent fellow-citizens, and these complaints will soon cease. The most eloquent declaimers against the school law have, not unfrequently, been compelled to acknowledge that they have *never read* the statute, nor *visited* a single school; and many of the most bitter denouncers of the system have shown that a large addition could be advantageously made to the limited domain of their knowledge. Let the appropriate remedies be promptly applied, and the patient will soon exhibit signs of convalescence. Administer the proper tonic and the recuperative powers of nature will soon evince evidence of vitality. If change and fickleness must characterize our educational policy, then farewell to progress, permanency or perfection. Better die at once, than swallow all the nostrums that have been prescribed for the malady, by self-conceit and inexperience.

It is confidently believed, that the suggestions interspersed through this report, relative to several features of the system, requiring modification, expansion, or concentration, will be found worthy of consideration and adoption. The demand for the introduction of divers supplementary provisions will become more and more imperative. It is only a matter of time. Come they will. The stern decree of necessity has gone forth, and its fiat will be obeyed. Experience elsewhere shows that it is vain to hope or expect, that our educational enterprise is doomed to any retrogression. There is no reasonable ground for comfort of this kind, and to those needing such consolation, it can only be said, be resigned to the relentless destiny of progress.

We have suffered too much already by gazing at the glories of the golden future, through the medium of swamp land exhalations, and relying on a bank fund of magnificent proportions, but distant possession, to the shameful neglect of our children's present necessities. Their demands for a six months' school should not be any longer postponed. The claim is just, and their constitutional rights should be both acknowledged and satisfied. Their half a million of suppliant voices should be heeded, and a gracious response be returned to their educational prayer, by the legislative fathers of the commonwealth. If we will help ourselves in a legitimate way, there are more than *thirty thousand* non-resident tax payers, many of whom, living in various States of the Union, who will come to our aid in a legal method, and their *thirty millions* will contribute a due share to the enlargement of the current resources for educational expenses. Unless we make statutory provision for a full and adequate supply of funds, these foreign property-holders, these owners of broad acres and boundless prairies

within our State, will render no assistance to those parents now compelled, by the inadequacy of the public funds, to supplement the present modicum of State tuition, and by whose labor and enterprise the adjacent lands of the said non-residents are annually enhanced fifty per cent. An additional levy of a one mill property tax will add \$30,000 annually to our school funds from that source alone, and it will be sure and reliable, for the lands are good for the levy.

With the proposed addition to the property assessment, which would only bring us up to an equality with our sister State on the west, and the present poll tax, we may hope, with the collateral helps of good school houses, improved teachers, intelligent trustees, normal schools, and an educational periodical, to reach, at no distant day, a position that will reflect honor on the commonwealth, entitle us to the compliments for intelligence, enterprise and progress, which some are disposed to bestow in advance, and demonstrate to the world, that our children's educational patrimony is fully adequate to their necessities, and worthy of an intelligent parent's wisdom, forecast and liberality. When that culminating point is attained, we can cheerfully review the past, enjoy the present, and contemplate the glorious future for our offspring, our country and the race.

CALEB MILLS,  
*Superintendent.*

DEPARTMENT OF PUBLIC INSTRUCTION, }  
*Indianapolis, Jan. 21, 1857.* }

Which communication and report were laid on the table, and two thousand copies ordered to be printed for the use of the House.

No. 39. A bill for the better protection of landlords, and to facilitate the renting of lands to tenants,

Was,

On motion by Mr. Grose,

Taken from the table with, the pending instructions.

The question being, shall the bill be recommitted with instructions?

Mr. Crowe moved to amend the instructions by adding:

"That every person, alike with the landlord, shall have a lien upon the growing crops, for material or articles furnished, which have entered into, or have been consumed in the production thereof."

Which was not agreed to.

Mr. Sherrod moved the House adjourn.

Which was not agreed to.

Mr. Grose moved to refer the bill and pending instructions to a select committee of five.

Which was agreed to.

The Speaker appointed the following committee : Messrs. Grose, Walpole, Wagner, Blake, and Claypool.'

On motion by Mr. Lane,  
The House adjourned.

THURSDAY MORNING, 9 o'clock, {  
January 29th, 1857. }

The House met.

The journal was read and adopted.]

PETITIONS, MEMORIALS AND REMONSTRANCES PRESENTED.

By Mr. Grose,

A petition signed by the clerks of the Indiana yearly meeting of the society of friends, on the subject of temperance.

Which,

On motion,

Referred to the committee on temperance.

By Mr. Evans,

A petition signed by sundry citizens of Tipton county, praying for the repeal of the township law.

Which,

On motion,

Was referred to the committee on township business.

By Mr. Bethell,

A petition signed by Enoch Taylor and others, in reference to the line between the counties of Gibson and Warrick.

Which was referred to a select committee.

REPORTS FROM COMMITTEES.

Mr. Marvin, chairman from the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills have examined bills of the House, Nos. 84, 111, 120, 121, 127, and Nos. 51 and 125, and upon comparison with the original bills, find them to be correctly engrossed, and direct me to so report.

Mr. Conner of Wabash, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred the subject of authorizing the issuing of executions in certain cases, have had the same under consideration, and directed me to report the accompanying bill, and recommend its passage :

No. 138. A bill to cure defective sales made by executors or administrators where the heirs have been notified by publication or summons.

Was read a first time, and passed to a second reading.

Mr. Denby, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill, N . 128, providing for curing defective sales in certain cases, have had the same under consideration, and have directed me to report it back with an amendment, adding to section 2, the following clause, viz : " Provided, that no other defect or error shall be deemed to be cured by this act," and when so amended, they recommend its passage.

Which report was concurred in, the amendment adopted, and the bill as amended, ordered to be engrossed.

Mr. Carnahan, chairman of the committee on claims, made the following report :

MR. SPEAKER :

The committee on claims, to whom was referred the petition of D. W. Miller, Warden of the Indiana State Prison, in behalf of Judge Lovering of the common pleas courts, of Clark and Scott counties, soliciting an appropriation for services in certain *habeas corpus* cases, have directed me to submit the following resolution :

*Resolved*, That the committee on ways and means are hereby directed to incorporate into the specific appropriation bill, an al-

lowance to Judge Lovering of fifty dollars, which shall be his compensation in full for said services. The committee recommend its adoption, and ask to be discharged.

Which report was concurred in, and the resolution therein contained was agreed to.

Mr. Crowe, from the committee on education, made the following report :

**MR. SPEAKER :**

The committee on education, to whom was referred a resolution of the House, instructing them to enquire into the expediency of allowing those so remotely situated as not to enjoy the advantages of common schools, to draw school money to the amount of their school tax, have had the same under consideration, and directed me to report that, in the opinion of your committee, it is inexpedient to legislate on the subject.

Which report was concurred in.

Mr. Williamson, chairman of the committee on agriculture, made the following report :

**MR. SPEAKER :**

The committee on agriculture, to whom was referred a resolution enquiring as to the number of clerks in the employ of the several committees, have had the same under consideration, and direct me to report, that they have no clerk regularly employed but that they have employed Mr. Lewis Bolman to draft one report, and may require the temporary services of a clerk hereafter.

Mr. Claypool, from the committee on county and township business, made the following report :

**MR. SPEAKER :**

The committee on county and township business, to whom was referred House bill No. 63, to amend section five of an act, entitled an act prescribing the powers and duties of justice of the peace in State prosecutions, approved May 29, 1852, have had the same under consideration, and directed me to report the same back, and recommend its indefinite postponement.

The report was concurred in, and the bill indefinitely postponed.

Mr. Williams of Knox, from a select committee, made the following report :

MR. SPEAKER :

The select committee, to whom was referred House bill No. 124, an act to amend the 23d section of an act, to provide for the valuation and appraisement of the real and personal property, and the collection of taxes in the State of Indiana, and for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State, have had the same under consideration, and have directed me to report the same back, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Lane, from the committee on agriculture, made the following report :

MR. SPEAKER :

The committee on agriculture, to whom was referred House bill No. 75, being a bill to amend the 23d section of an act, entitled an act concerning trespassing animals and partition fences, have had the same under consideration, and directed me to report it back to the House, with the following amendment :

Strike out all after the enacting clause, and insert the accompanying substitute ; and when so amended, they recommend its passage :

Sec. —. That section 23 of an act, entitled “an act concerning enclosures, trespassing animals, and partition fences,” approved June 4th, 1852, which reads as follows, to-wit : “When any party shall cease to use his land, or shall lay open his enclosures, he shall not take away any part of the fence which forms a partition fence between him and the enclosure of any other person, if the owner or occupant will pay to such person the reasonable value of such partition fence,” be, and the same is hereby amended, so as to read as follows :

“When any party shall cease to use his land, or shall lay open his enclosures, he shall not take away any part of the fence between him and the enclosure of any other person, if the owner or occupant of such adjoining enclosure, will pay to such party the reasonable value of such portion of said partition fence as may be his property, or until he shall have first given six months’ written notice to such person or persons as may be interested in the removal of said fence, of his intention to remove the same.

The question being, shall the report be concurred in ?

The ayes and noes were demanded by Messrs. Grose and Davis of Hendricks.



*Those who voted in the affirmative were.*

Messrs. Abel, Adams, Allen, Ayres, Blake, Bowman, Boyd, Branham, Branson, Bryan, Clapp, Conner of Hamilton, Crawford, Crowe, Dobbins, Early, Hawkins, Hayden, Kerr, Landiss, Lane, Lewis, Massey, Marvin, Mercer, Merrifield, McDaniel, McDonald of Fountain, McFarland, Ricketts, Schermerhorn, Slicer, Sloss, Stillwell, Vawter, Wallace, Walpole, Wiley, Williams of Knox, Wright, and Mr. Speaker—40.

*Those who voted in the negative were,*

Messrs. Austin, Batterton, Bethell, Carnahan, Clark, Colgrove, Conner of Wabash, Conduitt, Davis of Sullivan, Douglass, Duncan, Edson, Evans, Grose, Harrison, Herod, Hoagland, Humphreys, Hutchings, Jefferis, Larue, Modesitt, Moon, McDonald of Lake, Neal, Price, Reyman, Robbins, Smith of Bartholomew, Smith of Delaware, Steele, Stone, Studabaker, Taggart, Trippet, Van Sandt, Ward, Whitcomb, Williams of Lagrange, Williamson, and Yater.—43.

So the report was concurred in

The question being, shall the bill be engrossed ?  
It was so ordered.

By unanimous consent,

Mr. Davis of Sullivan, from a select committee to whom was referred House bill No. 56, made the following report :

Amend by adding the following proviso to the sixth section, viz :  
“ *Provided*, That the provision of this bill shall not extend to deer in parks, and wild fowls domesticated.”

The report was concurred in, and the bill, as amended, ordered to be engrossed.

Mr. Studabaker, from the committee on the judiciary, made the following report :

**MR. SPEAKER**

The judiciary committee, to whom was referred House bill No. 95, to provide for the safe keeping of public money, &c., with instructions, have had the same under consideration, and instructed me to report said bill back, with an amendment, striking out all after the enacting clause, and inserting the accompanying substitute; and when so amended, to recommend its passage.

Strike out from enacting clause, and insert as follows :

**SECTION. 1.** That the Auditor of State, Treasurer of State, Secretary of State, Agent of State, and all other administrative officers of the State government, charged by any law with the safe keeping, transfer, or disbursement of the public money, or of any bonds, coupons, or other obligation or securities of value, entrusted to their custody, for any purpose, whether the same shall be property of the State or otherwise, are hereby required to keep an accurate entry of each sum received, and of each payment or transfer, and of all bonds, coupons, or other obligations, or securities as aforesaid; and that if any one of the said officers shall convert to his own use, in any way whatever, or shall use, by way of investment in any kind of property or merchandize, any portion of the public money entrusted to him for safe keeping, disbursement, transfer, or for any other purpose, or any bond, coupon, or other obligation, or security as aforesaid, or shall knowingly permit any such bond, coupon, or other obligation, or security to be taken or removed from his custody upon any pretence, or for any purpose whatever, except as provided by law, every such act shall be deemed an embezzlement of so much of the said money, or such bond, coupon, or other obligation, or security, as shall be thus taken, converted, invested, or removed, which is hereby declared to be a felony; and any failure to pay over to, produce said money, bond, coupon, or other obligation or security, entrusted to such officer, when thereunto required for any payment, transfer, delivery, examination, or any other lawful purpose, shall be held and taken as *prima facie* evidence of such embezzlement; and if any officer charged with the disbursement of public money, shall accept or receive any receipt or voucher, from a creditor of the State, without having paid to such creditor the full amount stated in such receipt or vouchers; and any officer or agent of the State, and all persons advising or participating in such act, being convicted thereof in any court of competent jurisdiction, shall be sentenced to imprisonment in the county jail, or in the State penitentiary, at hard labor, for a term of not less than six months, nor more than ten years, at the discretion of the court or jury trying the indictments, and shall also be sentenced to pay a fine not exceeding the amount of money, or the value of the bond, coupon, or other obligation or security embezzled; and the refusal of such person, whether in or out of office, to pay any such draft, order, or warrant which may be drawn upon him, or any person or officer, legally authorized so to do, for any public money in his hands, belonging to the State, or to deliver, or exhibit for examination, any bond, coupon, obligation, or other security in his custody, when thereunto required by any officer having the right to demand or examine the same, no matter in what capacity, such money, or such bond, coupon, obligation, or other security, may have been received or may be held, shall be deemed and taken, upon the trial of any indictment against such for embezzlement, as *prima facie* evidence of such embezzlement; and the provisions of this act,

shall be so construed as to apply to all persons charged with the safe keeping, transfer, or disbursement of the public money, or with the care and custody of any bonds, coupons, obligations, or other securities, to property of the State, or of any other party lawfully depositing the same, whether such person be indicted as receiver or depositor of the same.

SEC. 2. All laws, or parts of laws, coming within the purview of this act, are hereby repealed.

SEC. 3. Inasmuch as there is an immediate necessity for further provisions by law, for the security of the public funds, and the bonds and securities in the custody of the State, an emergency exists, which requires this act to take effect as soon as possible, and it shall, therefore, take effect and be in force from and after its passage.

On motion by Mr. Steele,

The bill, as amended, was laid on the table, and two hundred copies ordered to be printed.

#### RESOLUTIONS.

Mr. Boyd offered the following preamble and resolution:

WHEREAS, There has been ordered, by this House, but two thousand copies printed of the report of the State Superintendent of Public Instruction, which number is not sufficient to supply the demand of the friends of education, in the great and flourishing State of Indiana, therefore,

*Resolved*, That this House hereby order three thousand additional copies of said report to be printed, one thousand of which shall be for the use of the Superintendent.

Mr. Carnahan moved to amend by inserting, one thousand to be printed in the German language.

Mr. Shoulders moved to amend the amendment by inserting, two thousand in the German language.

Mr. Lane moved to lay the resolution, with the pending amendments, upon the table.

Which was agreed to.

Mr. Lane offered the following resolution:

*Resolved*, That four thousand additional copies of the report of the Superintendent of Public Instruction be printed; three thousand for this House, one thousand of which in German, and one thousand for the Superintendent.

Mr. Grose moved to strike out four thousand and insert three thousand.

Which was not agreed to.

The question then recurring on the adoption of the original resolution,

It was agreed to.

#### HOUSE JOINT RESOLUTION.

By Mr. Hayden,

No. 7. A joint resolution in regard to the act of Congress graduating the price of public lands.

Which was read a first time, and passed to a second reading.

#### BILLS INTRODUCED.

By Mr. McFarland,

No. 139. A bill authorizing certain railroad companies to surrender their charters, and wind up, and settle the affairs of their corporation.

Which was read a first time, and passed to a second reading.

Mr. McFarland moved that the rules be suspended, and the bill read a second time now.

The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Allen, Austin, Ballenger, Bethell, Blake, Bowman, Boyd, Branham, Branson, Bryan, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crowe, Cullen, Davis of Hendricks, Denby, Douglass, Early, Grose, Hawkins, Hutchings, Jefferis, Kerr, Lane, Larue, Lewis, Massey, Mercer, Moon, McDaniel, McFarland, McGinnis, Reese, Reyman, Ricketts, Schermerhorn, Sherrod, Shoulders, Shuman, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Stone, Studabaker, Van Sandt, Vawter, Wagner, Wallace, Ward, Williams of Lagrange, and Wright.—54.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Batterton, Brown, Carnahan, Clark, Davis of Sullivan, Dobbins, Duncan, Edson, Evans, Hayden, Herod, Hoagland, Humphreys, Landiss, Marvin, Merrifield, Modesitt, Moore, McDonald of Lake, Neal, Price, Robbins, Slicer, Trippet, Walpole, Whitcomb, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker.—33.

So the rules were not suspended.

By Mr. McFarland.

No. 140. A bill prescribing the duties of railroad companies

at the places of crossing their roads, and prescribing penalties for the violation thereof.

Which was read a first time, and passed to a second reading.

By Mr. McFarland.

No. 141. A bill to authorize railroad companies constructing roads, to amend their articles of association, and abandoning any distinct subdivision of their road, in certain cases.

Which was read a first time, and passed to a second reading.

By Mr. McFarland.

No. 142. A bill relative to the remedy of creditors of corporations.

Which was read a first time, and passed to a second reading.

By Mr. Denby.

No. 143. A bill to amend section 2 of chapter 72 of the revised statutes of 1852, of an act, entitled "an act touching the qualifications of officers of municipal incorporations, and also the qualifications of electors at municipal elections, and repealing all laws inconsistent with this act," approved June 10, 1852, so as to require a residence of ten days in the ward district where an elector may offer to vote.

Which was read a first time, and passed to a second reading.

By Mr. Dobbins.

No. 144. A bill regulating the retailing of spirituous and intoxicating liquors, and to prevent the evils arising therefrom.

Which was read a first time, and passed to a second reading.

By Mr. McDonald of Lake.

No. 145. A bill to enable agricultural societies to hold real estate, and to provide for the manner of holding the title thereto.

Which was read a first time, and passed to a second reading.

By Mr. McDonald of Lake.

No. 146. A bill fixing the time of holding courts in the ninth judicial circuit, and the length of terms of said courts.

Which was read a first time, and passed to a second reading.

#### BILLS ON SECOND READING.

No. 130. A bill to create the — judicial circuit of the State of Indiana.

Was read a second time,

And,

On motion by Mr. Conner of Wabash,  
 Referred to a select committee heretofore appointed on judicial circuits.

No. 131. A bill authorizing the boards of trustees of the several townships in the State, to condemn and hold lots and lands for the erection of school houses, prescribing the mode of condemnation, and matters properly connected therewith.

Was read a second time, and ordered to be engrossed.

No. 132. A bill to amend an act, entitled "an act declaratory of the law regulating marriages, and enforcing the provisions thereof by proper penalties," approved March 5, 1852.

Was read a second time.

And,

On motion by Mr. Carnahan,  
 Referred to a select committee consisting of Messrs. Carnahan, Marvin, and Conner of Hamilton.

No. 133. A bill to prescribe the mode of selecting petit jurors in the courts of common pleas, and repealing of all laws contravening the provisions of this act.

Was read a second time, and ordered to be engrossed.

No. 134. A bill to amend the first section of an act, entitled "an act providing for the incorporation of bridge companies," approved March 9th, 1852, so as to authorize bridge companies to construct embankments across low bottoms, and receive tolls.

Was read a second time.

And,

On motion by Mr. Moore,  
 Referred to the committee on the judiciary.

No. 135. A bill to amend justices' act,

Was read a second time.

On motion by Mr. Moore,  
 Referred to the committee on county and township business.

No. 136. A bill to declare the effect of payment to heirs, legatees and distributees, of their shares of the estates of persons deceased.

Was read a second time,

And,

On motion by Mr. Larue,  
 Referred to the committee on the judiciary.

No. 137. A bill to further public justice by making some changes in the law governing the trial of criminal cases.

Was read a second time.

And,



On motion by Mr. Sloss,  
Referred to the committee on the judiciary.

# HOUSE BILLS ON THIRD READING.

No. 51. A bill to provide, and regulate the inspection of tobacco throughout the State of Indiana.

Was read a third time.

The question being, shall the bill pass,

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Austin, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Carnahan, Clapp, Clark, Colgrove, Conner of Wabash, Conduitt, Crowe, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Douglass, Dunegan, Early, Edson, Evans, Hawkins, Hayden, Hoagland, Hutchings, Lane, Larrue, Lewis, Marvin, Mercer, Merrifield, Modesitt, Moon, McDonald of Lake, McFarland, Price, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Shoulders, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Studabaker, Taggart, Todd, Trippet, Wagner, Wallace, Whitcomb, Williams of Knox, Williams of Lagrange, Williamson, Wright, Yater, and Mr. Speaker.—65.

*Those who voted in the negative were,*

Messrs. Adams, Ayres, Ballenger, Grose, Herod, Humphreys, Landiss, Moore, Shuman, Slicer, Sloss, Van Sandt, Ward, and Wiley.—16.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

No. 84. A bill to amend the 31st section of an act for the incorporation of cities, defining their powers, providing for the election of the officers thereof, and declaring their duties; approved June 11, 1852.

Was read a third time.

The question being, shall the bill pass,

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ballenger, Batterton, Bethell, Bowman, Boyd, Branson, Brown, Carnahan, Clark, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crowe, Davis of Sullivan, Dobbins, Douglass, Duncan, Early, Edson, Evans, Grose, Harrison, Hawkins, Herod, Hoagland, Hutchings Lan-

diss, Larue, Lewis, Massey, Marvin, Mercer, Modesitt, Moore, McDonald of Lake, Neal, Price, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Steele, Studabaker, Taggart, Todd, Trippet, Van Sandt, Wagner, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, and Yater—68.

*Those who voted in the negative were,*

Messrs. Clapp, Hayden, Humphreys, Lane, Moon, Wright, and Mr. Speaker—7.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

No. 111. A bill to provide for the annexation of incorporated towns to incorporated cities, and for the consolidation or union of incorporated towns and incorporated cities.

Was read a third time.

Mr. Denby moved to amend section 11 by inserting, "Whereas, There is no act now in force on this subject, therefore."

Which was agreed to.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Bethel, Blake, Bowman, Boyd, Brown, Carnahan, Clark, Conner of Hamilton, Conner of Wabash, Conduitt, Crowe, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Evans, Grose, Hawkins, Hayden, Herod, Hoagland, Humphreys, Landiss, Lane, Larue, Lewis, Massey, Marvin, Mercer, Moon, Moore, McDonald of Lake, McFarland, Neal, Price, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Steele, Stillwell, Studabaker, Taggart, Todd, Trippet, Van Sandt, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Wright, Yater, and Mr. Speaker—72.

No member voting in the negative.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

On motion by Mr. Hoagland,  
The House adjourned.

2 O'CLOCK, P. M.

The House met.

On motion by Mr. Neal,  
Leave of absence was granted Messrs. Merrifield and Crawford.

On motion by Mr. Studabaker,  
Mr. Lane was added to the special committee on sinking fund.

On motion by Mr. Conduitt,  
Mr. McFarland was added to the committee on benevolent and scientific institutions.

By unanimous consent,  
Mr. Ballinger presented a petition, signed by Walter Edgerton, clerk of the yearly meeting of Friends, in relation to repealing the law which prohibits colored people from giving testimony in courts of justice.

Which,

On motion,  
Was referred to the committee on the rights and privileges of the inhabitants of the State.

The special order of the day being House bill No. 6, a bill entitled "an act concerning interest on money,"

The question being, shall the bill be re-committed, with pending instructions?

It was not agreed to.

The question being, shall the bill pass?

Mr. Denby moved to recommit to the committee on the judiciary, with instructions to enquire into the expediency of so amending the existing law on the subject of interest, as to strike out the following clause: "And the plaintiff shall recover only his principal, without interest;" and further to enquire into the expediency of repealing that section of the act defining misdemeanors, which makes the taking of illegal interest a misdemeanor, and report a bill, as a substitute for the one under discussion, or otherwise.

Mr. Cullen moved to amend the instructions, by providing that the sale or transfer of bills of exchange, or promissory notes, at a greater discount than the legal rate of interest, shall be deemed usury, and subject to all the liabilities thereof.

Mr. Marvin moved to lay the bill and pending instruction on the table.

The ayes and noes were demanded by Messrs. Marvin and Gordon.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Bowman, Branson, Brown, Carnahan, Clark, Conduitt, Crowe, Cullen, Dobbins, Douglass, Duncan, Edson, Gordon, Harrison, Herod, Hoagland, Humphreys, Kerr, Landiss, Lane, Lewis, Massey, Marvin, Modesitt, Moore, McDaniel, McDonald of Lake, Reese, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Studabaker, Wallace, Walpole, Wiley, Williamson, and Mr. Speaker.—43.

*Those who voted in the negative were,*

Messrs. Austin, Ayres, Ballenger, Batterton, Bethell, Blake, Boyd, Branham, Bryan, Clapp, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Davis of Hendricks, Davis of Sullivan, Denby, Early, Evans, Grose, Hawkins, Hayden, Hutchings, Jefferis, Larue, Mercer, Moon, McFarland, McGinnis, Neal, Price, Reyman, Shuman, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Stone, Taggart, Todd, Trippet, Van Sandt, Vawter, Wagner, Ward, Whitcomb, Williams of Knox, Williams of Lagrange, Wright, and Yater.—51.

So the bill and pending amendments were not laid on the table.

Mr. Davis of Sullivan moved the previous question.

The call for the previous question was seconded.

The question being, shall the main question be now put?

It was decided in the affirmative.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Austin, Ayres, Ballenger, Batterton, Bethell, Blake, Boyd, Branham, Bryan, Clapp, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Davis of Hendricks, Davis of Sullivan, Early, Evans, Grose, Hawkins, Hayden, Hutchings, Jefferis, Kerr, Larue, Mercer, Moon, McDonald of Fountain, McFarland, McGinnis, Neal, Price, Reyman, Ricketts, Shuman, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Stone, Taggart, Todd, Trippet, Van Sandt, Vawter, Wagner, Walpole, Ward, Whitcomb, Williams of Lagrange, Wright, and Yater.—53.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Allen, Bowman, Branson, Brown, Carna-

han, Clark, Conduitt, Crowe, Cullen, Denby, Dobbins, Duncan, Edson, Gordon, Harrison, Herod, Hoagland, Humphreys, Landiss, Lane, Lewis, Massey, Marvin, Modesitt, Moore, McDaniel, McDonald of Lake, Reese, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Studabaker, Wallace, Wiley, Williams of Knox, Williamson, and Mr. Speaker—41.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Davis of Sullivan moved to reconsider the vote just taken.

Mr. Davis of Sullivan moved to lay the motion on the table.

Pending which,

On motion by Mr. Marvin,

The House adjourned.

FRIDAY MORNING, 9 o'clock, }  
January 30, 1857. }

The House met.

The journal was read and adopted.

On motion by Mr. Davis of Sullivan,

Leave of absence was granted Mr. McDonald of Lake.

On motion by Mr. Humphreys,

Leave of absence was granted to the committee on the State prison.

The Speaker laid before the House the following communication and reports, from James M. Ray, Esq., cashier of the State bank of Indiana, and the bank of the State of Indiana.

OFFICE OF THE BANK OF THE STATE OF INDIANA, }  
Indianapolis, January 29th, 1857. }

HON. BALLARD SMITH,

*Speaker of the House of Representatives:*

SIR:—I have the honor herewith to submit, in compliance with the resolution of the House of Representatives, a list of the direc-

tors and officers of the bank of the State of Indiana, and of each and every branch thereof.

Very respectfully, yours,

JAMES M. RAY, *Cashier.*

*List of the Directors and Officers of the Bank of the State of Indiana, and of each Branch thereof:*

#### DIRECTORS OF THE BANK.

John B. Howe, David G. Rose, Benjamin P. Walker, Horatio Chapin, Hugh McColloch, William F. Reynolds, George Tousey, Albert G. Blanchard, Newton Claypool, George Hibben, Thomas L. Smith, John S. McDonald, Washington C. DePauw, John Ross, Levi G. Warner, William Petty, Elzey G. Burkam, Joseph M. Moore, James Cheney.

#### OFFICERS OF THE BANK.

Hugh McColloch, President ; James M. Ray, Cashier ; Thomas L. Smith, Attorney.

#### *Directors and Officers of the Branches.*

##### LIMA.

#### *Directors.*

John B. Howe, S. P. Williams, Thomas J. Spaulding, Samuel Brownell, Silvan Halsey, John P. Jones, Christopher Corey.

#### *Officers.*

John B. Howe, President ; Thomas S. Beals, Cashier.

##### LAPORTE.

#### *Directors.*

David G. Rose, Samuel Burson, J. R. Hall, Charles Fredenckson, Wm. S. Place, Harvey Truesdell, John L. Fry.

#### *Officers.*

David G. Rose, President ; Samuel Burson, Cashier.

##### PLYMOUTH.

#### *Directors.*

H. P. Holbrook, B. P. Walker, C. P. Ludlow, N. Kendall, W. J. Walker, G. S. Cleveland, Joseph Evans.



*Officers.*

William J. Walker, President; H. P. Holbrook, Cashier.

## SOUTH BEND.

*Directors.*

John Brownfield, Horatio Chapin, Andrew Anderson, Jr., John T. Miller, A. B. Judson, Gilman Toole, T. B. Roberts.

*Officers.*

John Brownfield, President; Horatio Chapin, Cashier.

## FORT WAYNE.

*Directors.*

Hugh McColloch, O. Bird, M. W. Hubbell, William Mitchell, Charles D. Bond, Hugh B. Read, Benjamin W. Oakley.

*Officers.*

Hugh McColloch, President; Charles D. Bond, Cashier.

## LAFAYETTE.

*Directors.*

Moses Fowler, James Spears, John L. Reynolds, Newton Morgan, William F. Reynolds, Robert Stockwell, James Fowler.

*Officers.*

Moses Fowler, President; John C. Brockenbrough, Cashier.

## LOGANSFORT.

*Directors.*

Daniel D. Pratt, William Dodd, William M. Haney, James Cheney, Charles Lag, John T. Musselman, Israel Johnson.

*Officers.*

William W. Haney, President; James Cheney, Cashier.

## INDIANAPOLIS.

*Directors.*

Hardin Parish, William H. Morrison, William R. McKean, Oliver Tousey, George Tousey, John Armstrong, and George T. Browning.

*Officers.*

George Tousey, President; C. S. Stephenson, Cashier.

## RICHMOND.

*Directors.*

Albert G. Blanchard, John S. Newman, Miles Murphy, Daniel P. Wiggins, William Kenworthy, James L. Morrison, John Suffrins.

*Officers.*

Albert C. Blanchard, President; Charles T. Coffin, Cashier.

## CONNERSVILLE.

*Directors.*

John Caldwell, Henry Simpson, Sherman Scofield, Amos R. Edwards, Newton Claypool, Thomas J. Crisler, W. W. Frybarger.

*Officers.*

Newton Claypool, President; Edward F. Claypool, Cashier.

## RUSHVILLE.

*Directors.*

Wm. B. Flinn, Wm. B. Madden, D. M. Stewart Hamilton, George Hibben, Joseph Hamilton, James B. Cook.

*Officers.*

George Hibben, President; Wm. C. McReynolds, Cashier.

## MADISON.

*Directors.*

Joseph M. Moore, Howard Watts, John King, Wm. G. Wharton, F. T. Mayfield, Lewis Massey, Wm. P. Inskep.

*Officers.*

Joseph Moore, President; George D. Fitzhugh, Cashier.

## JEFFERSONVILLE.

*Directors..*

James Montgomery, Geo. F. Savitz, Wm. F. Collum, Thomas L. Smith, William P. Davis, Samuel H. Patterson, Horatio N. Dewl.

*Officers.*

James Montgomery, President; William M. Fogg, Cashier.

OFFICE OF THE STATE BANK OF INDIANA, }  
Indianapolis, January 29, 1857. }

HON. BALLARD SMITH,

*Speaker of the House of Representatives:*

SIR—In compliance with the resolution of the House of Representatives, I have the honor herewith to submit a list of the directors and officers of the State bank of Indiana, and each of its branches.

Very respectfully yours,  
JAMES M. RAY, *Cashier.*

*List of Directors and Officers of the State Bank of Indiana, and of each Branch thereof.*

*Directors of the Bank.*

John F. Carr, Beattie McClelland, Parmenter M. Parks, Joseph V. Bemusdaffer, Calvin Fletcher, Henry K. Hobbs, Elijah Coffin, Howard Watts, James R. Shields, George W. Rathbone, John Ross, Isaac Rector, Curtis Gilbert, Cyrus Ball, Allen Hamilton, H. Chapin, and Edmund B. Woodson.

*Officers.*

Ebenezer Dumont, President; James M. Ray, Cashier.

*Branches.*

## INDIANAPOLIS.

*Directors.*

Calvin Fletcher, Alfred Harrison, Horace A. Fletcher, Julius

Nicolai, James Sulgrove, Simon Yandes, James M. Yandes, John F. Hill, John L. Ketchum, E. J. Peck.

*Officers.*

Calvin Fletcher, President; Thomas H. Sharpe, Cashier; James Southard, Teller; J. R. Downey, Book-keeper.

LAWRENCEBURGH.

*Directors.*

H. K. Hobbs, Cornelius O'Brien, John Callahan, Alexander Patterson, Hugh F. Smith, Ira Goodhue, Joseph Hayes, Daniel Arnel, John Ferris, Bonaparte Bradley. [The seat of William B. McCullough vacated; successors nominated, but not elected.]

*Officers.*

Henry K. Hobbs, President.

RICHMOND.

*Directors.*

Charles H. Moore, Benjamin Stratton, Elijah Coffin, James L. Morrison, Cornelius Ratliff, Samuel Fletcher, Robert Morrison, Stephen R. Wiggins, William T. Shearon, Basil Brightwell.

*Officers.*

Robert Morrison, President; Elijah Coffin, Cashier.

MADISON.

*Directors.*

William M. Dunn, Robert Craig, Benjamin Hubbs, A. C. Lanier, William Wells, Samuel Wilson, James Winston, H. E. F. Harper, Tyrce Pogue. [One vacancy.]

*Officers.*

William M. Dunn, President; Joseph M. Moore, Cashier; Mark Tilton, Teller; George D. Fitzhugh, Book-keeper; Wm. B. Thurston, Discount Clerk.

NEW ALEANY.

*Directors.*

James R. Shields, J. B. Winstanley, T. Warner, Charles A. Reinkurg, Gamaliel Gartson, J. B. Winstanley,\* Walter Mann,

Daniel Seabrook, Alexander S. Burnett, James G. Read, P. S. Shields.

*Officers.*

Alexander S. Burnett, President ; James R. Shields, Cashier.

EVANSVILLE.

*Directors.*

Mathias J. Foster, Lansing W. Hiberd, William Hubbell, Samuel Orr, Robert Parrett, George W. Rathbone, John Shanklin, Marcus Sherwood, Lewis Howes, Horatio L. Wheeler, Abraham Phelps.

*Officers.*

Samuel Orr, President ; George W. Rathbone, Cashier ; Samuel Bayard, Teller ; Philip C. Decker, Clerk.

VINCENNES.

*Directors.*

Samuel Emerson, W. W. Hill, J. Moore, W. J. Haberd, W. Hayes, W. Burtch, W. R. McCord, John Wise, J. W. Madden, Abraham Smith.

*Officers.*

William Burtch, President ; John Ross, Cashier ; J. F. Bayard, Teller.

BEDFORD.

*Directors.*

David Boreland, Ezekiel Blackwell, James D. Farmer, Samuel T. Irvin, Joseph Rawlins, George A. Thornton, John Vestal, Elisha Boyd, Henry Culbertson, P. F. Vestal,\* Isaac Rector.

*Officers.*

Samuel T. Irvin, President ; Isaac Rector, Cashier ; James D. Farmer, Clerk.

TERRE HAUTE.

*Directors.*

W. H. Thornburgh,\* B. Booth, H. Ross, Curtis Gilbert, Alexan-

der McGregor. [Notice of the persons appointed to fill the remaining vacancies made by resignation, not received.]

#### LAFAYETTE.

##### *Directors.*

Joseph S. Hanna, Samuel Hoover, Israel Spencer, Austin P. Linn, Rudolph S. Ford, Isaac C. Elston, Albert S. White, Cyrus Ball. [Two vacancies.]

##### *Officers.*

Joseph S. Hanna, President; Cyrus Ball, Cashier; A. P. Linn, Teller; B. W. Wells, Clerk.

#### FORT WAYNE.

##### *Directors.*

Allen Hamilton, Henry Williams, Robert Brackenridge, Jr., John E. Hill, Lott S. Bayless, R. W. Taylor, Asa Fairfield, James Story, Robert Brackenridge. [One vacancy.]

##### *Officers.*

Allen Hamilton, President; Hugh McColloch, Cashier; Charles D. Bond, Teller; W. J. Vanskuyver, Book-keeper.

#### SOUTH BEND.

##### *Directors.*

Jacob N. Massey, Reynolds Dunn, John Hammond\*, A. B. Judson, Richardson Burroughs, Daniel Wagoner, Jacob Ritter, George Mellbourn, John W. Cess. [One vacancy.]

##### *Officers.*

Richardson Burroughs, President; H. Chapin, Cashier.

#### MICHIGAN CITY.

##### *Directors.*

Sylvanus Everts, Thomas D. Phelps, Herbert Williams, George Amos, Charles Palmer, H. Case, O. Leeds, E. B. Woodson, U. C. Follot, F. Ames.

##### *Officers.*

Edmund B. Woodson, President; Uriah C. Follet, Cashier.



NOTE.—These returns having been mostly made in November last, and in some branches vacancies having occurred since, I am only able to refer to them as far as I have received notice of the appointment of their successors.

In the instances marked with a star, (\*) it is understood that the persons have vacated their offices, under the latter clause of the 73d section of the charter of the bank, by having accepted a directorship in a branch of the bank of the State of Indiana, but notice has not yet been sent of their successors.

JAMES M. RAY, *Cashier.*

On motion,

The communications and reports were referred to the committee on banks.

#### PETITIONS, MEMORIALS, AND REMONSTRANCES.

By Mr. Crowe,

From Wallace Jarvis, of Scott county, Indiana, asking an allowance for services rendered the State, in recapturing Charles Talbert, who escaped from the jail of said county.

On motion by Mr. Crowe,

The claim was referred to the committee on claims.

By Mr. Hayden,

A petition, signed by William Elliott and others, in reference to the collection of road tax.

Which was referred to the committee on roads.

#### REPORTS FROM COMMITTEES.

Mr. Marvin, chairman of the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined House bills Nos. 56, 75, 124, 128, 131, and 133, and compared them with the originals, and find them correctly engrossed, and have ordered me to so report.

MR. SPEAKER:

The committee on engrossed bills, have examined bills of the House Nos. 10 and 132, and find the same correctly engrossed, and have so directed me to report.

Mr. Clavpool, from the committee on county and township business, made the following report :

MR. SPEAKER :

The committee on county and township business, to whom was referred House bill No. 10, entitled "a bill to provide for the approval of official bonds in cases not now provided for by law," have had the same under consideration, and directed me to report the same back, with an amendment, striking out all after the enacting clause, and inserting the accompanying substitute; and when so amended, they recommend its passage.

SECTION —. That section 8th of chapter 13th of the revised statutes of 1852, which reads as follows: "The approval of every official bond shall be written thereon by the approver thereof, and no bond shall be filed until lawfully approved," be, and the same is hereby amended, so as to read as follows: "Every official bond shall be approved in writing thereon before it is filed, by the officer with whom it is required to be filed."

The report was concurred in, and the bill, as amended, was ordered to be engrossed.

Mr. Dobbins, from the committee on county and township business, made the following report :

MR. SPEAKER :

The committee on county and township business, to whom was referred House bill No. 62, entitled "a bill to amend section nine of an act, providing for the election and qualification of justices of the peace, and defining their jurisdiction, power, and duties in civil cases, approved June 9th, 1852, and to extend their jurisdiction," have had the same under consideration, and directed me to report the same back to the House, and recommend its indefinite postponement.

The report was concurred in, and the bill indefinitely postponed

Mr. Carnahan, from the select committee to whom was referred House bill No. 132, made the following report :

MR. SPEAKER :

The select committee, to whom was referred House bill No. 132, have had the same under consideration, and have authorized me to report the same back, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

## RESOLUTIONS.

On motion by Mr. Duncan,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of so amending sec. 133, page 279, of 2d vol. of revised statutes of 1852, so as to cause estates of less than \$500, instead of \$300, to be delivered over to the widow of a decedent, upon her paying over to the persons entitled thereto the sum of \$150, with leave to report by bill or otherwise.

On motion by Mr. Hayden,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of so amending the now existing law, where the subject of executions, as to clear up the contradictions as to the levy and sale of partnership property, for the undivided indebtedness of partners, and to report the same by bill or otherwise.

On motion by Mr. Davis of Sullivan,

*Resolved*, That during this session no member shall, at any time, visit the Clerk, or his table, while the ayes and noes are being taken.

On motion by Mr. Sherrod,

*Resolved*, That the Auditor of State report to this House the amount of tax assessed against each railroad in this State, on the duplicates of 1855 and 1856, and each counties distributive proportion.

On motion by Mr. Bowman,

*Resolved*, That the committee on county and township business be requested to enquire into the expediency of so amending the 34th section of an act, entitled an act to provide for the opening, vacating and changing of highways, approved June 17th, 1852, so as to give petitioners the right to determine the width of their proposed township roads.

On motion by Mr. Larue,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of so amending the laws in regard to the trial of the right of property, and replevin of goods, which have been taken in attachment, so as to provide that attachment plaintiffs shall be made parties defendant with the sheriff in such cases, and making them and their sureties in the attachment cases, liable for costs instead of the sheriff.

## BILLS INTRODUCED.

By Mr. Conner of Wabash,

No. 147. A bill to amend the fifteenth section of an act for the more uniform mode of doing township business, approved May 6, 1852.

Which was read a first time, and passed to a second reading.

By Mr. Williamson,

No. 148. A bill to amend the first section of an act, entitled an act concerning licenses to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show and legerdemain," approved June 15, 1852, and for the encouragement of agriculture.

Which was read a first time, and passed to a second reading.

By Mr. Hayden,

No. 149. A bill to amend an act in relation to the taxation of lands in towns and cities, approved June 18, 1852.

Which was read a first time, and passed to a second reading.

## ORDERS OF THE DAY.

The question being on the motion of Mr. Davis of Sullivan, to lay on the table the motion to reconsider the vote on the passage of House bill, No. 6,

Mr. Davis of Sullivan, withdrew his motion to lay on the table.

On motion by Mr. Humphreys,

The motion to reconsider was made the special order of the day on Tuesday next, at 2 o'clock.

## HOUSE BILLS ON THIRD READING.

No. 120. A bill to repeal the 13th and 20th sections of an act, entitled; "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for, the judges thereof," approved May 14, 1852, and also to authorize and regulate the taking of appeals from the courts of common pleas.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Austin, Ayres, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Brown, Bryan, Carnahan, Clapp, Claypool, Conner of Hamilton, Conner of Wabash, Conduitt,

Crowe, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Duncan, Early, Edson, Evans, Gordon, Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Hutchings, Jefferis, Landiss, Lane, Massey, Modesitt, Moon, McDaniel, McDonald of Lake, McFarland, McGinnis, Neal, Price, Reese, Reyman, Sherrod, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stone, Studabaker, Taggart, Todd, Trippet, Vawter, Ward, Whitcomb, Wiley, Williams of Lagrange, Williamson, Wright, Yater, and Mr. Speaker—73.

*Those who voted in the negative were,*

Messrs. Larue, Marvin, Moore, Wagner, and Williams of Knox.—5.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

No. 121. A bill to change the time when the State Superintendent of Public Instruction shall enter upon the duties of his office.

Was read a third time.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Adams, Allen, Ayres, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Brown, Carnahan, Clapp, Clark, Conner of Hamilton, Conner of Wabash, Conduitt, Crowe, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Duncan, Early, Edson, Evans, Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Jefferis, Landiss, Lane, Larue, Massey, Marvin, Modesitt, Moon, McDaniel, McDonald of Lake, McFarland, McGinnis, Neal, Price, Reese, Reyman, Robbins, Sherrod, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Stone, Studabaker, Taggart, Todd, Trippet, Vawter, Wagner, Ward, Whitcomb, Williams of Knox, Williams of Lagrange, Williamson, Wright, Yater, and Mr. Speaker—73.

*Those who voted in the negative were,*

Messrs. Austin, Bryan, and Wiley.—3.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

No. 125. A bill to vest certain rights in married women, whose husbands have left the State without making suitable provisions

for their maintenance, or whose husbands are confined in the State Prison.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Austin, Ayres, Ballenger, Bethell, Blake, Boyd, Branham, Branson, Brown, Clapp, Clark, Claypool, Conner of Hamilton, Conner of Wabash, Crowe, Cullen, Davis of Hendricks, Denby, Dobbins, Douglass, Duncan, Evans, Gordon, Grose, Harrison, Hawkins, Hayden, Hoagland, Hutchings, Jefferis, Lane, Larue, Modesitt, Moon, McDaniel, McFarland, Neal, Reese, Robbins, Schermerhorn, Shuman, Sloss, Smith of Delaware, Steele, Stone, Studabaker, Taggart, Todd, Van Sandt, Vawter, Wagner, Ward, Whitcomb, Williams of Knox, Williams of Lagrange, Wright, and Yater.—59.

*Those who voted in the negative were.*

Messrs. Allen, Carnahan, Conduitt, Early, Edson, Herod, Humphreys, Landiss, Marvin, Moore, McGinnis, Reyman, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Trippet, Wiley, Williamson, and Mr. Speaker.—20.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

No. 127. A bill making the records of marks and brands, evidence in civil cases.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Ayres, Bethell, Blake, Bowman, Boyd, Branson, Brown, Carnahan, Clark, Claypool, Conner of Hamilton, Conner of Wabash, Crowe, Cullen, Davis of Sullivan, Denby, Duncan, Early, Edson, Evans, Harrison, Landiss, Lane, Marvin, Modesitt, McDaniel, McFarland, McGinnis, Price, Reyman, Shoulders, Shuman, Smith of Bartholomew, Smith of Delaware, Stone, Studabaker, Taggart, Van Sandt, Vawter, Ward, Williams of Lagrange, Williamson, Yater, and Mr. Speaker.—45.

*Those who voted in the negative were,*

Messrs. Adams, Austin, Ballenger, Batterton, Clapp, Conduitt, Davis of Hendricks, Dobbins, Gordon, Grose, Hawkins, Hayden,



Herod Hoagland, Jefferis, Kerr, Moon, Moore, Neal, Reese, Robbins, Sherrod, Slicer, Sloss, Trippet, Wagner, Whitcomb, Wiley, Williams of Knox.—29.

So the bill did not pass, for the want of a constitutional majority.

No. 56. A bill to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act.

Was read a third time.

Mr. Studabaker moved to indefinitely postpone the bill.

The ayes and noes were demanded by Messrs. Studabaker and Lane.

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Austin, Batterton, Boyd, Branson, Brown, Carnahan, Clark, Conner of Wabash, Conduitt, Crowe, Dobbins, Duncan, Early, Herod, Hoagland, Humphreys, Jefferis, Landiss, Massey, Marvin, Modesitt, Moore, McDaniel, McFarland, Robbins, Shoulders, Slicer, Studabaker, Taggart, Trippet, Williams of Knox, Yater, and Mr. Speaker—36.

*Those who voted in the negative were,*

Messrs. Adams, Ballenger, Bethell, Blake, Bowman, Branham, Clapp, Claypool, Conner of Hamilton, Davis of Hendricks, Davis of Sullivan, Denby, Evans, Gordon, Grose, Harrison, Hawkins, Hayden, Hutchings, Lane, Larue, Moon, McGinnis, Neal, Price, Reyman, Reese, Schermerhorn, Sherrod, Shuman, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stone, Todd, Vawter, Wagner, Ward, Whitcomb, Wiley, Williams of Lagrange, and Wright.—43.

So the bill was not indefinitely postponed.

Mr. Grose moved to recommit with instructions,

*Provided*, That killing quails upon a man's own premises shall not be a violation of said act, and that non-residents of the State shall not be allowed to kill at any time.

Mr. Connor of Wabash moved to amend the instructions, so that the provisions of the bill shall apply only to non-residents.

Which were not agreed to.

Mr. Davis of Sullivan moved to lay the bill on the table.

Which was agreed to.

On motion,

Leave of absence was granted to the committee on benevolent and scientific institutions.

By unanimous consent, Mr. Grose offered the following resolution :

*Resolved*, That when this House adjourns, it adjourn to meet on to-morrow morning at 9 o'clock.

Which was agreed to.

No. 75. A bill to amend the 23d section of an act, entitled an act concerning trespassing animals and partition fences.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Austin, Ballenger, Bethell, Blake, Bowman, Boyd, Branson, Brown, Carnahan, Clark, Crowe, Dobbins, Duncan, Early, Grose, Landiss, Marvin, Modesitt, Moon, Moore, Robbins, Shuman, Steele, Stone, Studabaker, Taggart, Van Sandt, Vawter, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, and Yater.—36.

*Those who voted in the negative were,*

Messrs. Allen, Conner of Hamilton, Conner of Wabash, Davis of Hendricks, Davis of Sullivan, Edson, Evans, Gordon, Harrison, Hawkins, Hayden, Herod, Hoagland, Hutchings, Lane, Larue, Massey, McFarland, McGinnis, Neal, Price, Reyman, Schermerhorn, Slicer, Sloss, Smith of Bartholomew, Wagner, Wright, and Mr. Speaker.—29.

So the bill did not pass, for want of a constitutional quorum.

On motion by Mr. Grose,

A call of the House was ordered,

Upon which,

The following members answered to their names :

Messrs. Abel, Allen, Adams, Austin, Ayres, Bethell, Blake, Bowman, Boyd, Brown, Carnahan, Clapp, Clark, Claypool, Conner of Hamilton, Conner of Wabash, Conduitt, Crowe, Davis of Sullivan, Denby, Dobbins, Duncan, Early, Edson, Evans, Gordon, Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Hutchings, Jefferis, Landiss, Lane, Larue, Massey, Marvin, Modesitt, Moore, McFarland, McGinnis, Neal, Price, Reese, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Steele, Stone, Studabaker, Taggart, Trippet, Van Sandt, Vawter, Wagner, Ward, Whitcomb,

Wiley, Williams of Knox, Williams of Lagrange, Williamson, Wright, Yater, and Mr. Speaker—73.

On motion by Mr. Denby,  
The House adjourned.

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SATURDAY MORNING, 9 o'clock, }  
January 31st, 1857. }

The House met.

The journal was read and adopted.

On motion by Mr. Moore,  
Leave of absence was granted to Mr. Williams of Knox.

#### REPORTS FROM COMMITTEES.

Mr. Wagner, from the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred House bill No. 77, have had the same under consideration, and have directed me to report the same back, with the accompanying amendments; and when so amended, they recommend its passage:

Amend the title by striking out the last clause after the word articles.

Amend the bill by inserting the names of George Weisenger and Thompson Hanna, after the name of Henry A. Griswold.

The report was concurred in, and the bill, as amended, ordered to be engrossed.

Mr. Wright, from the committee on the organization of courts of justice, made the following report:

MR. SPEAKER:

The committee on the organization of courts of justice, to whom was referred House bill No. 29, entitled "an act repealing

an act establishing the courts of conciliation, and prescribing rules and proceedings and compensation of judges," have had the same under consideration, and directed me to report the same back, and recommend its indefinite postponement.

The report was concurred in, and the bill indefinitely postponed.

Mr. Blake, from the committee on the organization of courts of justice, made the following report :

**MR. SPEAKER :**

The committee on the organization of courts of justice, to whom was referred House bill No. 104, being a "bill to repeal section ten of an act, entitled an act to establish courts of conciliation, to prescribe rules and proceedings therein, and compensation of judges thereof," have had the same under consideration, and directed me to report the same back, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Stillwell, from the committee on the organization of courts of justice, made the following report :

**MR. SPEAKER :**

The committee on the organization of courts of justice, to whom was referred a resolution requesting an enquiry into the expediency of increasing the size of judicial circuits, have had the same under consideration, and directed me to report, that so far as circuit courts are concerned, they deem legislation on the subject inexpedient, and that the question of increasing common pleas districts is before them in another form, and will be reported upon hereafter.

The report was concurred in.

#### RESOLUTIONS.

Mr. Bethell offered the following resolution :

*Resolved*, That the attention of the committee on roads be called to the 6th section of the road law, which limits the time of working hands on roads to two days, and to enquire into the expediency of so changing the law, as to give the supervisor power to call out and work the hands not less than two nor more than five days, as the exigency of this case may require; also, to the 31st section, the last clause of which reads as follows: All moneys and labor intended for the improvement of roads, &c., should read as follows: All moneys and labors arising from taxation, intended for

the improvement of roads, shall be expended thereon, &c., and report by bill or otherwise.

Which was not agreed to.

Mr. Wright offered the following resolution :

*Resolved*, That there shall be three thousand copies of Washington's Farewell Address printed, two thousand in English and one thousand in the German language, for the use of the members of this House, enveloped and stamped ready for mailing, and distributive share laid on each members desk.

On motion by Mr. Grose,  
The resolution was laid on the table.

On motion by Mr. Lane,

*Resolved*, That the committee on banks be instructed to report back to this House, the communications and reports of the president and cashier of the State bank of Indiana, and of the bank of the State of Indiana, which communications and reports were referred to said committee on yesterday.

On motion by Mr. Larue,

*Resolved*, That when this House adjourns, it shall stand adjourned until Monday next at 2 o'clock, P. M.

#### JOINT RESOLUTION.

By Mr. Lane,

No. 8. A joint resolution in regard to the disposal of the funds in the hands of the sinking fund commissioners.

Was read a first time, and passed to a second reading.

#### BILLS INTRODUCED.

By Mr. Claypool,

No. 150. A bill to regulate the business of Indiana companies not incorporated by the State of Indiana, to punish violations of the provisions, and to repeal all previous enactments in regard to such companies.

Which was read a first time, and passed to a second reading.

By Mr. McFarland,

No. 151. A bill to prescribe the terms upon which insurance companies, not organized in this State, may transact business in

the State of Indiana, to provide for the security of policy holders of such companies, to provide the mode and manner of bringing suit against the same, and to affix penalties for the violations of the provisions of this act, and repealing all laws in conflict therewith.

Which was read a first time, and passed to a second reading.

By Mr. Vawter,

No. 152. A bill to fix the time for holding the circuit courts in the first judicial circuit, and repealing all laws in conflict therewith.

Which was read a first time, and passed to a second reading.

By Mr. Cullen,

No. 153. A bill to amend "an act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855.

Which was read a first time, and passed to a second reading.

By Mr. Hayden,

No. 151. A bill to refund money paid on sale of land for taxes. Which was read a first time, and passed to a second reading.

By Mr. McFarland,

No. 155. A bill repealing section 7 of article 41, chapter 1, volume 2 revised statutes of Indiana of 1852, and enacting a substitute.

Which was read a first time, and passed to a second reading.

By Mr. Smith of Delaware,

No. 156. A bill for the relief of John M. Shivy.

Which was read a first time, and passed to a second reading.

On motion by Mr. Claypool,

Mr. Hutchings was added to the standing committee on county and township business.

On motion by Mr. Smith of Bartholomew,  
Leave of absence was granted to Mr. Robbins.

#### ORDERS OF THE DAY.

#### *House Bills on Second Reading.*

No. 138. A bill to authorize the issuing of executions in certain cases.

Was read a second time, and ordered to be engrossed.



No. 139. A bill authorizing certain railroad companies to surrender their charters, and wind up, and settle the affairs of their corporation.

Was read a second time,

And,

On motion by Mr. Allen,

Referred to the committee on corporations.

No. 140. A bill prescribing the duties of railroad companies at the places of crossing their roads, and prescribing penalties for the violation thereof.

Was read a second time.

On motion by Mr. Blake,

Referred to the committee on railroads.

No. 141. A bill to authorize railroad companies constructing roads, to amend their articles of association, and abandon any distinct subdivision of their road, in certain cases.

Was read a second time,

On motion by Mr. McFarland,

Referred to the committee on corporations.

No. 142. A bill relative to the remedy of creditors of corporations.

Was read a second time.

On motion by Mr. McFarland,

Referred to the committee on corporations.

No. 143. A bill to amend section 2 of chapter 72 of the revised statutes of 1852, of an act, entitled "an act touching the qualifications of officers of municipal incorporations, and also the qualifications of electors at municipal elections, and repealing all laws inconsistent with this act," approved June 10, 1852, so as to require a residence of ten days in the ward district where an elector may offer to vote.

Was read a second time, and ordered to be engrossed.

No. 144. A bill regulating the retailing of spirituous and intoxicating liquors, and to prevent the evils arising therefrom.

Was read a second time,

And,

Mr. Wright moved to amend by inserting in the proper place, "nor on election days, either county, corporation, or State."

On motion by Mr. Marvin,

The bill and pending amendment, were referred to the committee on temperance.

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No. 145. A bill to enable agricultural societies to hold real estate, and to provide for the manner of holding the title thereto.  
Was read a second time,

On motion by Mr. Branham,  
Referred to the committee on agriculture.

No. 146. A bill fixing the time of holding courts in the ninth judicial circuit, and the length of terms of said court.

Was read a second time,

On motion by Mr. McFarland,  
Referred to a select committee on re-districting the State.

No. 147. A bill to amend the 15th section of an act for the more uniform mode of doing township business, approved May 6, 1852.

Was read a second time.

On motion by Mr. Grose,  
Referred to the committee on county and township business.

No. 148. A bill to amend the 1st section of an act, entitled "an act concerning a license to vend foreign merchandize, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show, and legerdemain," approved June 15, 1852, and for the encouragement of agriculture.

Was read a second time,

On motion by Mr. Carnahan,  
Referred to the committee on the rights and privileges of the inhabitants of the State.

No. 149. A bill to amend an act in relation to the taxation of lands in towns and cities, approved June 18, 1852.

Was read a second time, and ordered to be engrossed.

#### HOUSE JOINT RESOLUTIONS ON SECOND READING.

No. 7. A joint resolution in regard to the act of Congress graduating the price of public lands.

Was read a second time,

On motion by Mr. Blake,  
Referred to the committee on the judiciary.

#### HOUSE BILLS ON THIRD READING.

No. 128. A bill to cure defective sales made by executors or administrators, where the heirs have been notified by publication or summons.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Clapp, Clark, Claypool, Conner of Hamilton, Conner of Wabash, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Duncan, Early, Edson, Evans, Gordon, Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Hutchings, Jefferis, Landiss, Lane, Larue, Massey, Marvin, McGinnis, Modesitt, Moon, Moore, McDaniel, McFarland, Neal, Neff, Price, Reese, Reyman, Schermerhorn, Sherrod, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Studabaker, Todd, Trippet, Vawter, Ward, Whitcomb, Wiley, Williamson, and Mr. Speaker.—72.

No member voting in the negative.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

The Speaker laid before the House the following communication from the Superintendent of the institution for the deaf and dumb:

INSTITUTION FOR THE DEAF AND DUMB, {  
Indianapolis, Indiana, Jan. 31st, 1857. }

HON. BALLARD SMITH,

*Speaker of the House of Representatives:*

SIR:—Please announce to the members of the House of Representatives, that, in obedience to their resolution, passed Jan. 28th, inst., inviting me to give before the members of the General Assembly, an exhibition of the proficiency of the pupils under my care, I shall be happy to perform that duty? and that the exhibition will take place at the Masonic Hall, on Friday evening, Feb. 13th, 1857.

Very respectfully,

T. MAC INTIRE,  
*Superintendent.*

On motion by Mr. Larue,  
The House adjourned.

MONDAY, 2 O'CLOCK, P. M. }  
February 2d, 1857. }

The House met.

The journal was read and adopted.

In obedience to an adjourned joint convention of the 12th of January, the Senate, preceded by the Lieutenant Governor, appeared within the Hall of the House, where seats were provided for them on the right of the Speaker's chair.

The Lieutenant Governor, acting as president of the convention, then stated, that on the 12th of January, in obedience to the requirements of the constitution, the Senators and Representatives had met in joint convention in this place, and after transacting the business then required of them, had adjourned until this day at 2 o'clock, P. M. That in pursuance of this adjournment, the convention was now convened. He then declared the joint convention adjourned, to meet within the Hall of the House on Wednesday next, at 10 o'clock, A. M.

#### REPORTS FROM COMMITTEES.

Mr. Sherrod, chairman of the committee on ways and means, made the following report:

MR. SPEAKER :

The committee on ways and means, to whom was referred House bill, No. 21, a bill to provide for the appraisement of the real estate in the State of Indiana, and to make such appraisement uniform throughout the State, have had the same under consideration, and directed me to report it back, and recommend its passage.

The bill contained in the foregoing report, was ordered to be engrossed.

Mr. Marvin, chairman of the committee on engrossed bills, made the following report:

MR. SPEAKER :

The committee on engrossed bills make report, that bills Nos. 77, 104, 138, 143 and 149, have been examined and found to be correctly engrossed.

Mr. Humphreys, chairman of the committee on banks, made the following report :

MR. SPEAKER :]

In obedience to a resolution passed on the 31st of last month, requesting the chairman of the committee on banks to report back certain communications in reference to State bank and branches and others, ask to make the following report.

On motion by Mr. Lane,

The report above referred to, was laid on the table and 300 copies ordered to be printed.

On motion by Mr. Crowe,

*Resolved*, That the Auditor of State be requested, at as early a day as practicable, to furnish this House, if within his power, the reason why there is a loss on real estate for taxable purposes, from 1854 to 1856 of 1,466,806 acres, with a corresponding loss in valuation, of \$8,279,965, there having been no new assessment or appraisement of said real estate during that period.

On motion by Mr. Carnahan,

*Resolved*, That James M. Ray, cashier of the Bank of the State of Indiana, be requested to communicate to this House, at as early day as practicable, the names of the stockholders at the taking of the stock at the organization of the branches, and the names of the stockholders, on the first day of January, 1857 ; and note those who are residents or non-residents at each period.

Mr. Branson offered the following preamble and resolution :

WHEREAS, In most cases the fees of county officers are, or should be regulated according to the amount of labor to be performed; and

WHEREAS, In many cases the officers evade the labor anticipated by the law, by having blank forms printed at the public expense; therefore,

*Resolved*, That the committee on county and township business be instructed to enquire into the expediency of reporting a bill, to guard the county treasury by prohibiting such printing at the public charge.

Which was agreed to.

On motion by Mr. Humphreys,

The vote just taken on concurring in the report from the committee on ways and means, relative to House bill No. 21, a bill to provide for the appraisement of the real estate, &c.

Was reconsidered.

When,

On motion by Mr. Humphreys,

The bill was laid on the table, and 200 copies ordered to be printed for the use of the House.

#### BILLS INTRODUCED.

By Mr. Studabaker,

No. 157. A bill to amend the three hundred and fifty-eighth section of an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852.

Which was read a first time, and passed to a second reading.

By Mr. Denby,

No. 158. A bill to authorize any party, against whom judgment may have been heretofore rendered on demurrer, in any circuit court or court of common pleas of this State, to except to such judgment, and have his exceptions entered on record and the judgment reviewed in the supreme court, in like manner as if such exceptions had been taken and entered of record at the time of the rendition of the judgment.

Which was read a first time, and passed to a second reading.

By Mr. Neff,

No. 159. A bill making prosecuting witnesses and other persons, liable for costs in certain State prosecutions.

Which was read a first time, and passed to a second reading.

The Speaker laid before the House, the printed report of the Attorney General in relation to the claim of Morehead, Hall, & Co.

On motion by Mr. Blake,

The report of the Attorney General was referred to the committee on the judiciary, with instructions to report a bill in accordance with it, allowing amount of claim and interest, &c.

The Speaker laid before the House the following communication from D. Reynolds, in reference to the claim of Ignatus Brown :



INDIANAPOLIS, Feb. 2, 1857.

HON. BALLARD SMITH,

*Speaker of the House of Representatives:*

SIR:—In May or June 1854, I paid to Ignatus Brown, Esq., some \$26, for office rent for some 16 months, including the last of my official term as Adjutant General of this State, which term closed on the appointment of S. D. Tomlinson, my successor, on the 17th day of January, 1853. Said receipt was, by my request to L. S. Reynolds, handed to Hon. S. Meredith, of Wayne county, at the last session of the legislature, that it might be refunded to me, as all moneys previously paid by me for the same purpose, had been done; but I learn that he lost said receipt. I herewith enclose a second statement from Mr. Brown of this date, and respectfully request that it be referred to the appropriate committee.

I have the honor to be,

Most respectfully,

D. REYNOLDS.

INDIANAPOLIS, Feb. 2, 1857.

SIR:—I gave a receipt, sometime in May or June, 1854, to Gen. D. Reynolds, for about \$26, for office rent paid by him, as Adjutant General of the State. The time included was about sixteen months, immediately preceding the close of his official term.

IGNATUS BROWN.

Which,

On motion by Mr. Bethell,

Was referred to the committee on military affairs.

On motion by Mr. Walpole,

*Resolved*, That the judiciary committee have leave, during each morning session of the House of Representatives during the present week, to withdraw from the duties of the House to hold sessions of such committee, the business of the House requiring said committee to hold morning sessions to facilitate the business of legislation.

On motion by Mr. Boyd,

*Resolved*, That the Doorkeeper be requested to furnish each member with two dollars worth of postage stamps, one half to be one cent stamps.

## ORDERS OF THE DAY.

*House Bills on third reading.*

No. 75. A bill to amend the 23d section of an act, entitled an act concerning trespassing animals and partition fences.

Which was pending last Friday for want of a quorum,  
Was taken up.

The question being, shall the bill pass?

Mr. Wagner moved to re-commit, with instructions to amend by providing for the purchasing of the fence at the cash value thereof, to the committee on agriculture.

Mr. Wright moved to indefinitely postpone the bill.

The ayes and noes were demanded by Messrs. Grose and Colgrove.

*Those who voted in the affirmative were,*

Messrs. Abel, Bethell, Blake, Boyd, Branham, Branson, Claypool, Crowe, Davis of Sullivan, Evans, Harrison, Hawkins, Hayden, Hoagland, Massey, McDaniel, McDonald of Fountain, Ricketts, Sherrod, Wright, and Mr. Speaker—21.

*Those who voted in the negative were,*

Messrs. Adams, Allen, Austin, Ayres, Batterton, Brown, Carnahan, Clapp, Clark, Colgrove, Conner of Wabash, Conduitt, Cullen, Davis of Hendricks, Denby, Dobbins, Duncan, Early, Edson, Grose, Humphreys, Hutchings, Jefferis, Kerr, Landiss, Lane, Mercer, Moon, Moore, McFarland, Neal, Neff, Price, Reese, Schermernhorn, Shoulders, Shuman, Slicer, Sloss, Steele, Stillwell, Stone, Studabaker, Todd, Trippet, Vawter, Wagner, Wallace, Walpole, Ward, Whitcomb, Wiley, and Williamson.—53.

So the bill was not indefinitely postponed.

The question then being, shall the bill be recommitted with the instructions of Mr. Wagner.

The ayes and noes were demanded by Messrs. Grose and Colgrove.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Batterton, Boyd, Clapp, Claypool, Cullen, Davis of Sullivan, Evans, Hawkins, Hoagland, McFarland, Schermernhorn, Steele, and Wagner—15.

*Those who voted in the negative were,*

Messrs. Allen, Austin, Bethell, Blake, Brown, Carnahan, Clark, Colgrove, Conner of Wabash, Conduitt, Crowe, Davis of Hendricks, Denby, Dobbins, Duncan, Early, Edson, Gordon, Grose, Harrison, Hayden, Humphreys, Hutchings, Jefferis, Kerr, Landiss, Lane, Lewis, Massey, Mercer, Moon, Moore, McDaniel, Neff, Price, Reese, Sherrod, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Stillwell, Stone, Studabaker, Todd, Trippet, Vawter, Wallace, Walpole, Ward, Wiley, Williams of Lagrange, Williamson, Wright, and Mr. Speaker.—57.

So the bill was not recommitted.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Allen, Austin, Ayres, Ballenger, Batterton, Bowman, Brown, Carnahan, Clark, Colgrove, Conner of Wabash, Conduitt, Crowe, Davis of Hendricks, Denby, Dobbins, Duncan, Early, Edson, Grose, Hutchings, Jefferis, Landiss, Lane, Lewis, Mercer, Moon, Moore, McDaniel, Neal, Neff, Price, Reese, Shoulders, Shuman, Slicer, Sloss, Stillwell, Stone, Studabaker, Todd, Trippet, Van Sandt, Vawter, Walpole, Ward, Whitcomb, Wiley, Williams of Lagrange, and Williamson—51.

*Those who voted in the negative were,*

Messrs. Abel, Bethell, Blake, Boyd, Branham, Claypool, Davis of Sullivan, Evans, Harrison, Hawkins, Hayden, Hoagland, Humphreys, Kerr, Massey, McFarland, Ricketts, Schermerhorn, Sherrod, Smith of Bartholomew, Steele, Wagner, Wallace, Wright, and Mr. Speaker—25.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

No. 133. A bill to prescribe the mode of selecting petit jurors in the courts of common pleas, and repealing all laws contravening the provisions of this act.

Was read a third time.

Mr. Davis of Sullivan, moved a call of the previous question. Which was seconded by the House.

The question being, shall the main question be now put?  
It was agreed to.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Ayres, Boyd, Branson, Carnahan, Clark, Conduitt, Crowe, Denby, Dobbins, Duncan, Early, Edson, Harrison, Herod, Hoagland, Humpreys, Kerr, Landiss, Modesitt, Moon, Moore, Reese, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Stillwell, Trippet, Walpole, Wiley, Williams of Lagrange, Williamson, and Mr. Speaker.—34.

*Those who voted in the negative were,*

Messrs. Adams, Allen, Austin, Batterton, Bethell, Blake, Bowman, Branham, Brown, Clapp, Claypool, Conner of Wabash, Davis of Hendricks, Davis of Sullivan, Grose, Hawkins, Hayden, Hutchings, Jefferis, Lane, Larue, Lewis, Massey, Marvin, Mercer, McDaniel, McFarland, Neal, Neff, Price, Ricketts, Schermerhorn, Shuman, Sloss, Steele, Stone, Studabaker, Todd, Van Sandt, Vawter, Wagner, Wallace, Ward, Whitcomb, and Wright—44.

So the bill did not pass.

On motion by Mr. Wright,  
The House adjourned.

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TUESDAY MORNING, 9 o'clock, }  
February 3, 1857. }

The House met.

The journal was read and adopted.

Mr. Grose moved to correct the journal, by striking out, as impertinent and untrue, the following thereon:

“In obedience to an adjourned joint convention, of the 12th of January, the Senate, preceded by the Lieutenant Governor, appeared within the hall of the House, where seats were provided for them on the right of the Speaker's chair. The Lieutenant Governor, acting as president of the convention, then stated, that on the 12th of January, in obedience to the requirement of the constitution, the senators and representatives had met in joint

convention, in this place, and after transacting the business there required of them, had adjourned until this day, at 2 o'clock, P. M.; that in pursuance of this adjournment, the convention was now convened. He then declared the joint convention adjourned, to meet within the hall of the House, on Wednesday next, at 10 o'clock, A. M."

On motion by Mr. Claypool,

A call of the House was ordered.

The clerk proceeded with the call, when the following members answered to their names:

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Batterton, Bethell, Bowman, Boyd, Branham, Branson, Brown, Blake, Carnahan, Clapp, Clark, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Duncan, Early, Edson, Evans, Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Hutchings, Jefferis, Kerr, Landiss, Lane, Larue, Lewis, Massey, Marvin, Mercer, Modesitt, Moore, McDaniel, McFarland, Neal, Neff, Price, Reese, Reyman, Sherrod, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Steele, Stillwell, Stone, Todd, Trippet, Van Sandt, Vawter, Wagner, Wallace, Walpole, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Wright, Yater and Mr. Speaker—83.

On motion,

The further call of the House was dispensed with.

Mr. Walpole moved to lay the motion of Mr. Grose to amend the journal, on the table.

The ayes and noes were demanded by Messrs. Conner of Wabash and Larue.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Ayres, Bethell, Blake, Bowman, Branson, Brown, Carnahan, Clark, Claypool, Conduitt, Crowe, Davis of Sullivan, Denby, Dobbins, Duncan, Early, Edson, Harrison, Herod, Hoagland, Humphreys, Landiss, Lane, Lewis, Massey, Marvin, Modesitt, Moore, McDaniel, McFarland, Neff, Reese, Reyman, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Stillwell, Studabaker, Trippet, Wallace, Walpole, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker—49.

*Those who voted in the negative were,*

Messrs. Austin, Ballenger, Batterton, Boyd, Branham, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Davis of Hen-

dricks, Evans, Grose, Hawkins, Hutchings, Jefferis, Larue, Mercer, Neal, Price, Shuman, Sloss, Steele, Stone, Todd, Van Sandt, Vawter, Wagner, Ward, Whitcomb, Williams of Lagrange, and Wright.—31.

The motion was laid on the table.

#### PETITIONS, MEMORIALS, AND REMONSTRANCES.

By Mr. Ballenger,

A petition signed by Reuben Chappel and others, in reference to the sale of intoxicating liquors.

Which,

On motion,

Referred to the committee on temperance.

#### REPORTS FROM COMMITTEES.

Mr. Stillwell, chairman of the committee on fees and salaries, made the following report :

MR. SPEAKER :

The committee on fees and salaries, to whom was referred House bill No. 102, regulating the fees of officers, and repealing former acts in relation thereto, approved March 2d, 1855, have had the same under consideration, and directed me to report the same back to the House, and recommend that it be indefinitely postponed.

On motion by Mr. Colgrove,  
The bill was laid on the table.

Mr. Studabaker, chairman of the committee on the rights and privileges of the inhabitants of the State, made the following report :

MR. SPEAKER :

The committee on the rights and privileges of the inhabitants of the State, to whom was referred the memorial of the yearly meeting of the anti-slavery friends at Newport, Wayne county Ind., praying the repeal of the law prohibiting negroes from testifying in cases where white persons are parties, and the law prohibiting negro children from attending common schools of the State, have had the same under consideration according to order, and direct me to report that further legislation on those questions



is inexpedient and uncalled for, and your committee ask to be discharged from the further consideration of the subject.

Which report was concurred in.

Mr. Evans, from the committee on the rights and privileges of the inhabitants of the State, made the following report :

MR. SPEAKER :

The committee on the rights and privileges of the inhabitants of the State, to whom was referred House bill No. 112, an act more effectually to protect the holders of notes or bills of banking institutions, and providing penalties in case of failure of banks, have had the same under consideration, and direct me to report it back to the House, and recommend its indefinite postponement.

On motion,

The report was concurred in, and the bill indefinitely postponed.

Mr. Studabaker, chairman of the committee on the rights and privileges of the inhabitants of the State, made the following report :

MR. SPEAKER :

The committee on the rights and privileges of the inhabitants of the State, to whom was referred resolution of the House, requesting them to report a bill making it a penitentiary offence to cast an illegal vote, have had the same under consideration, and direct me to report, that in their opinion, such legislation would be inexpedient, uncalled for, and vindictive, and ask to be discharged from the further consideration of the subject.

Which report was concurred in.

Mr. Studabaker, chairman of the committee on the rights and privileges of the inhabitants of the State, made the following report :

MR. SPEAKER :

The committee on the rights and privileges of the inhabitants of the State, to whom was referred House bill No. 148, an act to amend the first section of an act, entitled "an act concerning licenses to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet shows and leg-cerdemain," approved June 15, A. D., 1852, and for the encouragement of agriculture, have had the same under consideration, and direct me to report the same back to the House, with one amendment thereto; and when so amended, recommend its passage.

Amend as follows: Strike out in section 2, all after the word "collected" in fifth line, and insert as follows:

*Provided*, That in counties where there are no agricultural societies organized, the treasurers thereof shall pay the same thus collected, into the common school fund.

The report was concurred in, the amendment adopted, and the bill ordered to be engrossed,

Mr. Moore, chairman of the committee on county and township business, made the following report:

MR. SPEAKER:

The committee on county and township business, to whom was referred the petition of sundry citizens of Owen and Clay counties, praying for the passage of a law for the support of the indigent blind, have had the subject under consideration, and have directed me to report the following bill, and recommend its passage.

No. 160. A bill to provide for the support of the indigent blind, and other infirm persons.

Which was read a first time, and passed to a second reading.

Mr. Williams of Lagrange, from the committee on claims, made the following report:

MR. SPEAKER:

The committee on claims, to whom was referred the petition of John A. Kendall, respectfully reports that the facts elicited, on an investigation of the case, do not warrant them in recommending the allowance asked for in said petition, and direct me, therefore, to recommend its indefinite postponement.

Which report was concurred in, and the petition indefinitely postponed.

Mr. Sherrod, from a select committee, made the following report:

MR. SPEAKER:

The select committee of five, to whom was referred a resolution of the House, instructing them to enquire into, and devise some plan by which the temperature of this hall may be regulated, so as not to endanger the health of members, have had the subject under consideration, and direct me to report the following suggestions, as in their opinion, the best practicable means of averting, or remedying the evils complained of, to-wit:

*First.* That the Doorkeepers be required to have an additional door, constructed at each entrance, with a spring attached; and,

*Second.* That the windows near the stoves be lowered a few inches, and the temperature of the hall be regulated at sixty-six degrees.

Which report was concurred in.

#### RESOLUTIONS.

Mr. Dobbins offered the following resolution :

*Resolved,* That the committee on the judiciary be instructed to enquire into the expediency of so changing the laws in reference to poll tax, so that said tax shall not exceed one dollar per annum on each poll, and report by bill or otherwise.

Which was not agreed to.

#### JOINT RESOLUTION INTRODUCED.

By Mr. Herrod,

House joint resolution No. 9. A joint resolution in regard to the election of chaplains to Congress.

Which was read a first time, and passed to a second reading.

On motion by Mr. Davis of Sullivan,  
The order of business was suspended, and,

House bill No. 95. A bill for the safe keeping of the public money and of bonds, and other securities entrusted to the care of certain officers,

Was taken from the table.

Mr. Davis of Sullivan moved to amend the amendment in 9th line, as follows :

Amend the amendment in the ninth line after the words "and merchandize," insert the following: Or shall loan with or without interest, it being hereby declared a deposit of public funds, with or without interest, shall not be deemed a loan within the provisions of this act.

Mr. Davis of Sullivan moved a call of the previous question.  
Which was not seconded.

Mr. Davis of Sullivan moved to lay the amendment to the amendment on the table.

Which was not agreed to.

The question then being, on the adoption of the amendment to the amendment.

It was not agreed to.

The question being, shall the report of the committee be concurred in ?

It was agreed to.

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Bethell, Blake, Bowman, Boyd, Branham, Clapp, Clark, Claypool, Colgrove, Conner of Wabash, Conduitt, Crowe, Cullen, Davis of Sullivan, Dobbins, Duncan, Early, Edson, Evans, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Hutchings, Kerr, Lane, Larue, Lewis, Massey, Marvin, Modesitt, Moon, McDaniel, McFarland, Neff, Reese, Reyman, Ricketts, Schermerhorn, Sherrod, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Steele, Stillwell, Stone, Studabaker, Todd, Trippet, Van Sandt, Vawter, Wagner, Wallace, Walpole, Ward, Whitcomb, Wiley, Williams of Knox, Williamson, Wright, and Yater.—73.

*Those who voted in the negative were,*

Messrs. Ballenger, Conner of Hamilton, Davis of Hendricks, Grose, Jefferis, Mercer, Neal, Price, Robbins, Williams of Lagrange, and Mr. Speaker.—11.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

Mr. Colgrove moved to reconsider the vote just taken.

Mr. Bethell moved to lay the motion on the table.

The ayes and noes were demanded by Messrs. Grose and Colgrove.

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Bethell, Blake, Bowman, Branson, Brown, Carnahan, Conner of Hamilton, Crowe, Cullen, Dobbins, Duncan, Early, Edson, Harrison, Hayden, Hoagland, Kerr, Landiss, Lane, Larue, Lewis, Massey, Modesitt, Neff, Reese, Reyman, Ricketts, Schermerhorn, Sherrod, Slicer, Smith of Bartholomew, Studabaker, Todd, Trippet, Vawter, Wallace, Walpole, Wiley, Williams of Knox, Williamson, Wright, Yater, and Mr. Speaker.—45.

*Those who voted in the negative were,*

Messrs. Austin, Branham, Clapp, Colgrove, Conner of Wabash, Davis of Hendricks, Evans, Grose, Hawkins, Herod, Hutchings, H. J.—25.

Jefferis, Marvin, Moore, McFarland, Price, Shuman, Sloss, Steele, Stone, Van Sandt, Ward, and Williams of Lagrange.—26.

So the motion was laid on the table.

#### BILLS INTRODUCED.

By Mr. McFarland,

No. 161. A bill to regulate voting by the stockholders of monied corporations.

Which was read a first time, and passed to a second reading.

By Mr. Blake,

No. 162. A bill for the creation of township elections of trustees, duties of trustees, and mode of assessing township tax and doing township business.

Which was read a first time, and passed to a second reading.

By Mr. Wright,

No. 163. A bill to amend section 22 of an act, entitled "an act regulating general elections, and prescribing the duties of officers, in relation thereto," approved June 7, 1852.

Which was read a first time, and passed to a second reading.

By Mr. Williams of Lagrange,

No. 164. A bill to exempt from taxation private property and buildings, used exclusively for educational purposes.

Which was read a first time, and passed to a second reading.

#### ORDERS OF THE DAY.

##### *House Bills on Third Reading.*

No. 131. A bill authorizing the boards of trustees of the several townships in the State, to condemn and hold lots and lands for the erection of school houses, prescribing the mode of condemnation, and matters properly connected therewith.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Austin, Ballenger, Bethell, Blake, Bowman, Boyd, Branham, Brown, Conner of Hamilton, Crowe, Cullen, Davis of Hendricks, Duncan, Harrison, Lane, Modesitt, McDaniel,

Schermerhorn, Steele, Studabaker, Van Sandt, Vawter, Williams of Knox, and Williams of Lagrange—25.

*Those who voted in the negative were,*

Messrs. Allen, Batterton, Branson, Carnahan, Clapp, Clark, Conner of Wabash, Conduitt, Davis of Sullivan, Dobbins, Early, Edson, Evans, Grose, Hawkins, Hayden, Herod, Hoagland, Jefferis, Landiss, Larue, Lewis, Massey, Marvin, Mercer, Moore, McFarland, Neal, Neff, Price, Reese, Reyman, Ricketts, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Stillwell, Stone, Trippet, Ward, Whitcomb, Wiley, Williamson, Yater, and Mr. Speaker—49.

So the bill did not pass.

No. 124. A bill to amend the 23d section of an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and auditor of State, approved June 21, 1852.

Was read a third time.

The question being, shall the bill pass?

Pending which

On motion by Mr. Lane,

The House adjourned.

2 o'clock, P. M.

The House met.

By unanimous consent,  
Mr. Humphreys introduced,

House bill No. 165, a bill to amend section 2 of an act, entitled "an act to change the time of holding courts in the eleventh judicial circuit."

Which was read a first time, and passed to a second reading.

By unanimous consent,  
Mr. Branson presented a petition signed by Reuben Tarry



and others, in reference to the increase of interest on money loaned.

Which,

On motion,

Was laid on the table.

The hour having arrived for the special order of the day on House bill, No. 6. A bill entitled an act concerning interest on money.

The question being, shall the vote taken on the passage of the bill be reconsidered?

Mr. Steele moved to lay the motion to reconsider on the table.

The ayes and noes were demanded by Messrs. Studabaker and Walpole.

*Those who voted in the affirmative were,*

Messrs. Austin, Batterton, Bethell, Blake, Boyd, Branham, Clapp, Conner of Hamilton, Conner of Wabash, Davis of Sullivan, Evans, Grose, Hawkins, Hayden, Hutchings, Jefferis, Kerr, Larue, Mercer, Moon, McFarland, Neal, Price, Reyman, Ricketts, Shuman, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Stone, Taggart, Todd, Trippet, Van Sandt, Vawter, Whitcomb, Williams of Lagrange, Wright, and Yater—41.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Allen, Bowman, Branson, Brown, Carnahan, Clark, Conduitt, Crowe, Cullen, Dobbins, Duncan, Edson, Gordon, Harrison, Herod, Hoagland, Humphreys, Landiss, Lane, Lewis, Massey, Marvin, Modesitt, Moore, McDaniel, Neff, Reese, Schermerhorn, Sherrod, Shoulders, Slicer, Studabaker, Wallace, Walpole, Ward, Wiley, Williams of Knox, Williamson, and Mr. Speaker.—41.

So the motion was laid on the table.

#### ORDERS OF THE DAY RESUMED.

The question pending at adjournment was, shall House bill No. 124, a bill to amend the 23d section of an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the treasurer and auditor of State, approved June 21, 1852, pass?

Mr. Conner of Wabash, moved to recommit the bill with the following instructions, viz:

Before the words personal property, insert the words "real estate," in the paragraph amended.

Mr. Studabaker moved to amend the amendment as follows : Amend so that no person shall deduct his indebtedness from his solvent claims.

On motion by Mr. Walpole,  
The bill and pending amendment were laid on the table.

Mr. Gordon and 28 other representatives, submitted the following protest :

MR. SPEAKER :

WHEREAS, Heretofore, to-wit : On the 12th day of January, A. D. 1857, the House of Representatives adopted the following resolution, to-wit :

*Resolved*, That the Senate be invited to attend in the hall of the House of Representatives, at two and a half o'clock this afternoon, to open and publish the returns of the election for Governor and Lieutenant Governor, as required by the fourth section of the fifth article of the constitution of the State of Indiana, and that the Senate be informed of the passage of this resolution."

AND WHEREAS, Afterwards, on the same day, the Speaker made the following announcement from the chair :

*"Gentlemen of the House of Representatives :*

"The constitution of the State of Indiana, requires that the Speaker shall open and publish the returns of the election for Governor and Lieutenant Governor, in the presence of both houses of the General Assembly ; and as the official term of Governor and Lieutenant Governor elect, commences this day, I have communicated an invitation to the Senate, requesting them to meet the House in this hall, and in obedience to the constitution, I shall, so soon as the Senate appear, proceed to publish the returns for Governor and Lieutenant Governor."

AND WHEREAS, Mr. Kerr thereupon offered the following resolution, which was adopted :

"WHEREAS, The Speaker of this House has announced his intention to proceed forthwith, in this hall, to open and publish the election returns for Governor and Lieutenant Governor, in pursuance of the requisition of the constitution, and has given the Senate notice thereof ;

*"Resolved*, That the House will attend upon the appointment of the Speaker, in the discharge of the duties devolved upon them by the constitution, and that seats be provided for the members of the Senate, on the right of the Speaker's seat.

*"Resolved, further*, That the Senate be informed of the same, and that the House is now ready to proceed to said business."

AND WHEREAS, While the Senate were considering the first of said resolutions, and before they had concurred therein, or in the resolution of Mr. Kerr, or the invitation of the Speaker of the House, and before the Senate by resolution or otherwise, had expressed their intention to meet the House in joint convention for the purpose expressed in said resolutions, and twenty three minutes before the hour of two and a half o'clock, P. M., of said day, by the clock of the hall of the House of Representatives, and thirty-five minutes before that hour, according to the clock in the Senate chamber, Ashbel P. Willard, being then President of the Senate, terminated the discussion then going on in that body, upon the resolution first aforesaid, by declaring that his "connection with the Senate as the presiding officer thereof had terminated;" and immediately left the chair, and followed by a number of the members of the Senate, proceeded to the hall of the House of Representatives; whereby the said Ashbel P. Willard left the Senate without a presiding officer, and the said members who followed him, broke a quorum thereof, leaving that body for the time unable to reciprocate the resolutions of the House aforesaid, or do any act tending to the forming of the joint convention aforesaid, for the purpose of witnessing the opening and publishing of the votes for Governor and Lieutenant Governor.

AND WHEREAS, The said Ashbel P. Willard and said Senators who followed him from the Senate chamber, proceeded at once to the hall of the House of Representatives, where the said Willard assumed to act as President of the Senate, and said Senators, who had followed him from the Senate chamber, to be the Senate of the present General Assembly.

AND WHEREAS, The said Willard then and there assumed to act as President of a joint convention of both houses of the General Assembly, as though the same, by the mutual concurrence thereof, had been convened;

AND WHEREAS, The vote for Governor and Lieutenant Governor was then and there opened and published by the Speaker of the House;

AND WHEREAS, The said Ashbel P. Willard was then and there declared by the said Speaker to have received the highest number of votes for Governor, and to be duly elected to that office;

AND WHEREAS, upon the announcement of the result of the election for Governor aforesaid, the said Ashbel P. Willard called the Hon. ——— Tarkington to the chair, as the President of said assumed convention, and proceeded to take the oath of office, as the Governor of the State of Indiana;

AND WHEREAS, After the vote for Lieutenant Governor had in like manner been opened and published, and Abram A. Hammond declared duly elected to that office, by the Speaker, and after he had taken the oath of office, the said Tarkington, of his own mere will and motion, and without authority of law or precedent, declared the said joint convention adjourned to re-

assemble in the hall of the House of Representatives, on Monday, the 2d day of February, 1857, at two o'clock in the afternoon.

AND WHEREAS, The following entry of the aforesaid proceedings appears in the journal of this House, to wit:

The Senate then, in pursuance of the invitation of the House, communicated through their Speaker, came into the Hall of the House, preceded by the President of the Senate, when the joint convention was called to order by the President of the Senate.

The President then declared: Gentlemen, we have assembled in joint convention, in accordance with the provisions of section 4, article 5, of the constitution of the State of Indiana, which reads as follows:

"Sec. 4. In voting for Governor and Lieutenant Governor, the electors shall designate for whom they vote as Governor, and for whom as Lieutenant Governor. The returns of every election for Governor and Lieutenant Governor shall be sealed up, and transmitted to the seat of government, directed to the Speaker of the House of Representatives, who shall open and publish them in the presence of both Houses of the General Assembly."

The Speaker of the House of Representatives will now proceed to open and publish the returns for the election of Governor and Lieutenant Governor of the State of Indiana.

The Speaker of the House of Representatives, then, in the presence of both Houses of the General Assembly, proceeded to open the returns of the votes cast for Governor and Lieutenant Governor of the State of Indiana, on the 14th day of October, 1856, and on counting all of the votes returned, it appeared therefrom that for the office of Governor,

Ashbel P. Willard, received.....	117,981
Oliver P. Morton, received.....	112,139

A. P. Willard sworn in, &c.

Lieutenant Governor;	
Hammond.....	116,717
Conrad Baker.....	111,620

A. Hammond declared elected, sworn, &c.

The President of the joint convention then declared said convention adjourned to re-assemble in the hall of the House of Representatives, on Monday, the 2d day of February, 1857, at 2 o'clock in the afternoon.

AND WHEREAS, Afterwards, on the 13th of January, A. D., 1857, Mr. Grose moved to correct the journal, as follows: Where it states, 1st, "the Senate then, in pursuance of the invitation of the House, communicated through the Speaker, came in," amend by saying: "A part of the Senators in pursuance of the invit-

ation, &c., came in, &c." 2d, where it states, "the President of the joint convention declared said convention, &c," say, "Mr. Tarkington, a senator in the chair, then declared, &c."

Mr. Smith of Bartholomew moved to lay the amendment on the table.

The ayes and noes were demanded by Messrs. Gordon and Grose.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams Allen, Ayres, Bethell, Blake, Bowman, Branson, Brown, Bryan, Carnahan, Clark, Claypool, Conduitt, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Harrison. Herod, Hoagland, Humphreys, Kerr, Landiss, Lane, Lewis, Marvin, Modesitt, Moore, McDaniel, McDonald of Fountain, McFarland, McGinnis, McKinney Neff, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Stillwell, Studabaker, Taggart, Trippet, Wallace, Walpole, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker—59.

*Those who voted in the negative were,*

Messrs. Austin, Ballenger, Batterton, Boyd, Branham, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Evans, Gordon, Grose, Hawkins, Hayden, Hutchings, Jefferis, Larue, Mercer, Merrifield, Moon, McDonald of Lake, Neal, Price, Shuman, Sloss, Smith of Delaware, Steele, Stone, Todd, Van Sandt, Vawter, Wagner, Ward, Whitcomb, Williams of Lagrange, and Wright—38.

So the motion to amend was laid on the table.

The undersigned, upon a full and impartial consideration of the foregoing facts, feel impelled, no less by a sense of self respect, than by a profound regard for the constitution and laws of the State of Indiana, and for the usages and privileges of this House, solemnly to protest against every step taken by the said Ashbel P. Willard, and those members of the Senate who acted with him in assuming to form a joint convention of the two Houses of the General Assembly; and against the recognition of said Willard and Senators as the Senate thereof, by any officer or member of this House; and against every entry upon the journals of this House, showing that any such joint convention was formed, or adjourned; and especially against the refusal of this House to correct the journals thereof, as moved by Mr. Grose.

They protest against the action of the said Ashbel P. Willard, as a base usurpation of power, not sanctioned by any precedent in the history of Indiana, or of any free commonwealth; and



which, admitting his right to preside over the Senate at the time, would overthrow the beautiful symmetry of the legislative department of our government, by placing and independent branch thereof, subject to the control of the will of an officer thereof, and a factious minority, neither of whom is recognized in the constitution or laws, as having any right or power to control the action thereof. They protest against the action of the said Willard, especially, because, before he left the Senate chamber he declared his connection with that body to be "terminated;" and after the dissolution of such connection, they deny his right to preside over any joint convention of both Houses, or to do any other act in connection therewith, that is not *per se* a violation of the constitution, laws and usages of the General Assembly.

They further protest against the entrance of said Ashbel P. Willard, and such members of the Senate as came with him into this hall, as a flagrant breach of the privileges of this House, and against every act done by them, or any or either of them, as a palpable violation of the constitution and laws—an assumption of authority and right, without either, which they regard as, and therefore, can designate by no other or milder name than usurpation. And especially do they regard the act of the said Willard, in calling the said Tarkington to the chair, and the act of said Tarkington in adjourning said convention to a day certain, in that light, and designate them by that name.

Further protesting, they say that the journals of this House ought to have been corrected as moved by Mr. Grose, and that only when so corrected, will they conform to the facts; for your protestants submit that there can be no joint convention of both Houses of the General Assembly, without the concurrence of said Houses as such in the formation thereof, which concurrence can not be assumed by either, but must be made known by the Houses to each other, through the recognized officers thereof; and in no other way has any joint convention, so far as your protestants are informed, ever been formed between the two Houses of the General Assembly of the State of Indiana, since the organization of our State Government. Indeed, any other method would inevitably destroy the independence of one branch of the General Assembly, by making its action depend upon a factious and lawless minority thereof, acting in concert with a majority of the other. That the founders of our government contemplated such a dependence of one House upon the minority thereof, and the majority of the other, is a conclusion which no sane man will readily arrive at. In fact, the whole legislative and constitutional history of our country utterly excludes it.

But your protestants have heard it urged by those who participated in the proceedings against which they protest, that the constitution required the organization of a joint convention on the 12th of January, 1857; and, therefore, such joint convention was, in fact, formed without the concurrence, or presence of the Sen-



ate—in other words, that such of the Senators as saw proper to come into this hall at the hour designated by this House, became, thereby, the Senate, not only in fact, but in law. The statement of such a position not only answers it, but renders it ludicrous; for if it be correct, it is so, without reference to the number of Senators that may have been present at such joint convention. *One* would have formed the joint convention just as well as the whole fifty members comprising the Senate. Or if *none* had seen proper to be present, the convention would still have been formed. Not only so, but upon the principle which the position we are considering assumes, and which is this, viz: That whatever the constitution requires *to be done*, must, therefore, be regarded *as done* at the time, and in the manner required, no violation of the constitution or laws could ever take place. The past action of those who now assume this principle in support of a step without a precedent in the history of this government, affords a singular commentary upon their present position.

In view of all the circumstances of the case, the undersigned respectfully, but decidedly and solemnly protest against the action of this House, and of such members of the Senate as assumed to act with them, on the 12th day of January last, and the said Ashbel P. Willard, as unconstitutional, illegal and void; and against the entry thereof upon the journals of this House, and the refusal of this House, upon motion, to correct the journals in accordance with the views of your protestants herein expressed. All of which is respectfully submitted.

JAMES D. CONNER,  
D. C. BRANHAM,  
SILAS COLGROVE,  
D. BATTERTON,  
J. M. AUSTIN,  
A. B. PRICE,  
MILTON MERCER,  
ELIJAH VAN SANDT,  
JOHN WHITCOMB,  
THOMAS J. NEAL,  
ALEX H. CONNER,  
WILLIAM A. HAWKINS,  
M. P. EVANS,  
WILLIAM M. CLAPP,  
J. P. WILLIAMS,

WM. GROSE,  
J. W. GORDON,  
G. D. WAGNER,  
R. N. TODD,  
G. K. STEELE,  
WM. C. JEFFERIS,  
JNO. M. LARUE,  
S. B. WARD,  
JOHN DAVIS,  
THOMAS B. SLOSS,  
ROBERT BOYD,  
SMITH VAWTER,  
J. W. HUTCHINGS,  
M. C. SMITH,  
GEO. MOON.

On motion by Mr. Sherrod,  
The House adjourned.

WEDNESDAY MORNING, 9 o'clock, }  
February 4, 1857. }

The House met.

The journal was read.

Mr. Blake arose to a question of privilege, objecting to the placing on the journal of the House, the protest of Mr. Gordon, and 38 other Representatives, from the fact that the protest is not such as is contemplated by the constitution, and also, that it was couched in censorious and abusive language.

Messrs. Grose and Gordon arose to a question of privilege.

The Speaker declared them severally out of order, from the fact that Mr. Blake was now speaking to a question of privilege.

The hour for the meeting of the joint convention of the two Houses of the General Assembly having arrived, the Senate, preceded by the Lieutenant Governor, appeared within the Hall of the House, where seats were provided for them, on the right of the Speaker's chair.

Upon calling the convention to order, the President, with the consent of the joint convention, appointed Solon Turman, secretary thereof, who was duly sworn in as such by the Hon. Samuel Perkins, one of the judges of the supreme court, and entered upon the discharge of his duties.

The chairman addressed the convention as follows:

GENTLEMEN:—Pursuant to adjournment on Monday, February 2d, 1857, we are assembled in joint convention, under a provision of the constitution of the State of Indiana, and you will now proceed to choose a United States Senator by a *viva voce* vote, to serve as such until the 4th of March, 1861.

Mr. Walpole nominated Graham N. Fitch.

*Those who voted for Graham N. Fitch, were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, Wilson, and Woods, of the Senate.

The Senator from Laporte, Mr. Weir, voted blank.

Messrs. Abel, Adams, Allen, Ayres, Bethell, Blake, Bowman, Branson, Brown, Bryan, Carnahan, Clark, Claypool, Conduitt, Crowe, Cullen, Davis of Sullivan, Deuby, Dobbins, Duncan, Early,

Edson, Harrison, Herod, Hoagland, Humphreys, Kerr, Landiss, Lane, Lewis, Massey, Marvin, Modesitt, Moore, McDaniel, McDonald of Fountain, McFarland, McGinnis, McKinney, Neff, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Stillwell, Studabaker, Taggart, Trippet. Wallace, Walpole, Wiley, Williams of Knox, Williamson, Yater and Mr. Speaker, of House of Representatives—83.

Messrs. Hayden and Wright, voted for George G. Dunn—2.

Graham N. Fitch, having received a majority of all the votes of the members of the General Assembly of the State of Indiana, was declared by the President of the convention, duly elected United States Senator, from the State of Indiana, to serve as such until the 4th of March, 1861.

The President then announced, that the joint convention would now proceed to choose a United States Senator by a *viva voce* vote, to serve as such from the 4th of March, 1857, until the 4th of March, 1863.

Senator Slater nominated Hon. Jesse D. Bright.

*Those who voted for Jesse D. Bright, were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLean, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, Wilson and Woods, of the Senate.

The Senator from Laporte, Mr. Weir, was present; refused to vote for any one,

Messrs. Abel, Adams, Allen, Ayres, Bethell, Blake, Bowman, Branson, Brown, Bryan, Carnahan, Clark, Claypool, Conduitt, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Duncan, Early, Edson, Harrison, Herod, Hoagland, Humphreys, Kerr, Landiss, Lane, Lewis, Massey, Marvin, Modesitt, Moore, McDaniel, McDonald of Fountain, McFarland, McGinnis, McKinney, Neff, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Stillwell, Studabaker, Taggart, Trippet, Wallace, Walpole, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker, of the House of Representatives—83.

Messrs. Hayden and Wright voted for Richard W. Thompson—2.

Jesse D. Bright, having received a majority of all the votes of the General Assembly of the State of Indiana, was declared by the President of the joint convention duly elected United States Senator, from the State of Indiana, to serve as such until the 4th day of March, 1863.

The President then adjourned the joint convention to meet in the hall of the House of Representatives, on Wednesday the 11th inst., at 3 o'clock, P. M.

I certify that the foregoing journal of the proceedings of the joint convention is correct.

SOLON TURMAN,  
*Sec'y of Joint Convention.*

On motion by Mr. Walpole,  
The House adjourned.

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2 O'CLOCK, P. M.

The House met.

Mr. Marvin, chairman of the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined House bill No. 148, and upon comparison with the original, find the same correctly engrossed, and direct me to so report.

Mr. Blake offered the following resolution:

*Resolved*, That the committee on the judiciary be instructed to enquire whether the protest entered upon the journal of yesterday contains matter inexpedient or scandalous.

Mr. Walpole offered the following amendment:

*Resolved*, That the paper presented to this House, by one of the Representatives from Marion, on behalf of himself and others, purporting to be what they call a protest, be referred to a select committee of five, for said committee to enquire:

*First*. Whether the same contains the facts.

*Second*. Is it competent for the signers to protest against the acts specified in said paper.

*Third.* Is it decorous towards the Senate.

*Fourth.* Is it truthful and decorous against individuals referred to.

*Fifth.* Is it not untruthful in the recapitulation of stated acts.

*Sixth.* Is it not untruthful as to the acts of the Senate and the now Lieutenant Governor.

*Seventh.* Is there any constitutional right of a member of one branch of the General Assembly to protest against the acts of a joint convention of the two Houses; and said committee be instructed to report at an early day of the session.

Pending which,

On motion by Mr. Wright,  
The House adjourned.

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THURSDAY MORNING, 9 o'clock, }  
February 5th, 1857: }

House met.

The journal was read and adopted.

Mr. Wagner, and 34 other Representatives, submitted the following protest, to be placed on the journal :

MR. SPEAKER :

The undersigned hereby protest against the pretended election of Jesse D. Bright and Graham N. Fitch, on this day as Senators of the State of Indiana, in the Congress of the United States, the former for six years from the 4th of March next, and the latter for six years from the 4th of March, 1855, by a portion of the Senators and Representatives of the General Assembly, for the following reasons :

*First.* There was no agreement of the two houses of the General Assembly, by resolution or otherwise, to proceed to the appointment or election of Senators in Congress, on said day, or any other day, of the present session of the General Assembly.

*Second* There was no joint convention of the two houses of said General Assembly on said day, nor was there any law of the

State authorizing a joint convention on that or any other day, for the appointment or election of United States Senators, nor was there any resolution or joint resolution approved or adopted by the two houses of the General Assembly, or either of them, authorizing such joint convention.

*Third.* Said pretended joint convention was a mere assemblage of a portion of the Senators and Representatives of the General Assembly, not in a legislative capacity, but as individuals, without any authority of law, without precedent in the legislative history of the State, and having no legislative sanction, and said Senators and Representatives when so convened, had no more constitutional right to elect or appoint Senators, than equal number of private citizens of the State.

*Fourth.* There was not a constitutional quorum of either House of the General Assembly present in said pretended joint convention, there being only twenty-four Senators and sixty-two Representatives present, when, by the 11th sec. of the 4th article of the constitution of this State, it requires two-thirds of each House to constitute a quorum to do business, and when, by the law of the State the number of Senators is fixed at fifty, and the number of Representatives at one hundred, in said General Assembly.

*Fifth.* Because the undersigned, as legally elected and qualified Representatives in said General Assembly, have been deprived of their constitutional right, to assist in the legal election of Senators in the Congress of the United States, by said illegal, revolutionary and unauthorized elections.

*Sixth.* Because the legislature of Indiana, as such legislature, either by separate action of the two Houses, or otherwise as such legislature, had no part or voice in said pretended elections, and the same were in direct violation of the 3d sec. of the 1st article of the constitution of the United States, and the 4th section of the same article.

*Seventh.* Because said pretended elections are held valid, such decision will destroy the legal existence of the General Assembly of this State, and install in its place any mob which may see proper to take forcible possession of the House as a joint convention of the General Assembly, without the concurrence of either body, the sanction of the constitution, or authority of law.

For these, and other reasons which might be named, the undersigned protest against the validity of said pretended elections.

Given under our hands, at Indianapolis, this 4th day of February, 1857.

G. D. WAGNER,  
J. W. GORDON,  
J. D. CONNER,  
D. C. BRANHAM,  
M. P. EVANS,  
T. B. SLOSS,  
M. MERCER,

W. GROSE,  
S. P. WILLIAMS,  
GEO. C. MERRIFIELD,  
D. BATTERTON,  
ELIJAH VAN SANDT,  
JOHN WHITCOMB,  
A. B. PRICE,



J. M. AUSTIN,  
 GEO. CRAWFORD,  
 WM. C. JEFFERIS,  
 R. N. TODD,  
 H. W. SHUMAN,  
 THOMAS. J. NEAL,  
 WM. W. CLAPP,  
 ALEX. H. CONNER,  
 G. K. STEELE,  
 S. B. WARD,  
 JOHN DAVIS,

N. H. BALLENGER,  
 SILAS COLGROVE,  
 GEO. MOON,  
 WILLIAM HAWKINS,  
 J. W. HUTCHINGS,  
 ROBERT BOYD,  
 JNO. M. LARUE,  
 MARCUS C. SMITH,  
 SMITH VAWTER,  
 A. McDONALD.

PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Larue,

A petition in reference to the practice of medicine and surgery.  
 Which,

On motion,

Was referred to the same select committee heretofore appointed  
 on same subject.

By Mr. Moore.

A petition in reference to the high taxes imposed upon the  
 people of this State, and the retrenchment of the expenditures  
 thereof.

Which,

On motion,

Was referred to the committee on county and township business.

By Mr. Smith of Bartholomew,

A petition in reference to the practice of medicine and surgery.  
 Which,

On motion,

Was referred to the select committee heretofore appointed on  
 same subject.

On motion by Mr. Dobbins,

The journal of yesterday was amended by recording his vote on  
 House bill, No. 6, "a bill concerning interest on money," on the  
 proposition of Mr. Bethell to lay the motion of Mr. Walpole on  
 the table, to reconsider the vote on the passage of said bill, Mr.  
 Dobbins having voted in the negative, but by mistake of the clerk  
 Mr. Dobbins claimed, was not recorded at the time.

By Mr. Bethell,

A petition signed by sundry citizens of Warrick county, in reference to their remainig in said county, and not attached to the county of Gibson.

Which,

On motion,

Was referred to a select committee, heretofore appointed.

By Mr. McDonald of Lake,

Petitions signed by J. D. Bonnell, sheriff of Lake county, in reference to arresting fugitives from justice.

Which,

On motion,

Referred to the committee on claims.

By Mr. Vawter,

A petition in reference to repealing the act incorporating the town of Vernon, in Jennings county.

Which,

On motion,

Was referred to the committee on the rights and privileges of the inhabitants of the State.

By Mr. Cullen,

A petition in reference to county auditors subscribing for one copy of the Indiana School Journal.

Which,

On motion,

Was referred to the committee on education.

#### REPORTS FROM COMMITTEES.

Mr. Stillwell, chairman of the committee on canals and internal improvements, made the following report :

MR. SPEAKER :

The committee on canals and internal improvements, to which was referred joint resolution of House, No. 1, which reads as follows, to-wit :

*Be it Resolved by the General Assembly of the State of Indiana, That the General Assembly of the State of Indiana has no power under the constitution to purchase the Wabash and Erie canal.*

*And be it further Resolved by the General Assembly, That if the General Assembly had the power, it would be impolitic, unwise, and injurious to the best interests of the people of the State to purchase said canal;*

Have had the same under consideration, and direct me respectfully to report, that in the opinion of the committee, no power is given to the General Assembly by the constitution, which will in any way authorize such a purchase. But on the contrary, the constitution contains clauses which are evidently intended to restrain the General Assembly from involving the State in any such purchase, or engaging it in any way, in the purchase, ownership, or management of that, on any similar work, either alone as a State, or in company with a corporation, by becoming a stockholder or otherwise.

And they further direct me respectfully to report, that the contract between the State and her creditors, whereby the canal was sold to them, was fairly and deliberately made; and that it was so made at their instance and earnest request, and that any disturbance of said contract would be unwise and injurious to the best interests of the people of the State, in that behalf. It therefore, in the opinion of the committee, becomes the duty of the General Assembly to regard said sale as a permanent one, and to faithfully keep and perform, on the part of the State, all her obligations under the contract, and require the purchasers to perform theirs. And the committee further direct me to report back said joint resolution, without amendment, and recommend its passage.

The joint resolution contained in the foregoing report, was ordered to be engrossed.

Mr. Connor of Wabash, from the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred House bill No. 80, prescribing a punishment for running railroad trains, or locomotives, across other railroads, without stopping, and to prevent carelessness and accidents in crossing, having had the same under consideration, have directed me to report, that in view of the frequent accidents occurring in such cases, often caused by the criminal recklessness of those conducting trains, resulting in the wholesale destruction of life, legislation upon this subject is demanded. I am, therefore, directed to report said bill back to the House, with the following amendment: Add the following section immediately after section three, and number section four of said bill, number five; when so amended, said committee recommend its passage:

SEC. 4. It shall not be lawful for any locomotive or train to be stopped, or remain stationary, on any railroad crossing, unless

the same is done by the mutual agreement, and under specific regulations, adopted by the directors of such crossing railroads; and if the provisions of this section shall be violated, the person or persons so offending shall suffer the same punishment prescribed in the first section of this act.

The report was concurred in, the amendment adopted, and the bill ordered to be engrossed.

Mr. Denby, from the committee on corporations, made the following report:

**MR. SPEAKER:**

The committee on corporations, to whom was referred House bill No. 48, a bill to amend sections 9 and 50 of an act, entitled "an act for the incorporation of cities," approved June 18, 1852, have had the same under consideration, and have instructed me to recommend that the said bill be amended as follows, and when so amended to recommend its passage:

Amend the first section of the amended section, in the 14th line, after the word "chosen," insert the words "one or."

Amend the same section of the fifteenth line, after the word "ward," insert the words "as may be directed by ordinance of said city."

Also amend the 26th line, after the words "each ward," insert the words "where there is a vacancy."

The report was concurred in, the amendments adopted, and the bill ordered to be engrossed.

Mr. McFarland, chairman of the committee on corporations, made the following report:

**MR. SPEAKER:**

The committee on corporations, to whom was referred House bill No. 88, an act for the incorporation and continuance of building loan fund and savings association, have had the same under consideration, and have directed me to report the same back, and recommend its passage.

The bill contained in the foregoing report, was ordered to be engrossed.

Mr. Smith of Bartholomew, from the committee on corporations, made the following report:

**MR. SPEAKER:**

The committee on corporations, to whom was referred House bill No. 142, "a bill relative to the remedy of creditors and part-

ners of corporations," have had the same under consideration, and directed me to report the same back, and recommend the reference of the same to the committee on the judiciary.

Which report was concurred in.

Mr. McFarland, chairman of the committee on corporations, made the following report :

MR. SPEAKER :

The committee on corporations, to whom was referred House bill No. 86, a bill to repeal an act, entitled "an act to empower railroad companies to receive land, lots and other property, in subscription of stock," approved January 20, 1852. have had the same under consideration, and directed me to report the same back to the House, and recommend its indefinite postponement.

The question being on concurring in the report,

The ayes and noes were demanded by Messrs. Lane and Walpole.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Austin, Ayres, Ballenger, Bethell, Blake, Bowman, Boyd, Branham, Claypool, Colgrove, Conner of Hamilton, Cullen, Davis of Sullivan, Denby, Dobbins, Duncan, Grose, Hawkins, Hayden, Herod, Hoagland, Hutchings, Kerr, Landiss, Larue, Massey, Mercer, Merrifield, Medesitt, Moore, McDonald of Fountain, McDonald of Lake, McGinnis, Neal, Price, Reese, Sherrod, Shoulders, Shuman, Slicer, Smith of Delaware, Steele, Stone, Todd, Trippet, Van Sandt, Vawter, Wagner, Whitcomb, Williams of Knox, Williams of Lagrange, Wright, Yater, and Mr. Speaker.—56.

*Those who voted in the negative were,*

Messrs. Allen, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Conner of Wabash, Conduitt, Crowe, Davis of Hendricks, Douglass, Early, Edson, Evans, Gordon, Harrison, Lane, Lewis, Marvin, Moon, McDaniel, McKinney, Neff, Reyman, Ricketts, Schermerhorn, Sloss, Smith of Bartholomew, Stillwell, Studabaker, Taggart, Wallace, Walpole, Ward, Wiley, and Williamson,—37.

So the report was concurred in.

On motion by Mr. Shuman,  
Leave of absence was granted his colleague, Mr. Jefferis.

Mr. Edson, chairman of the select committee to whom was referred House bill No. 22, made the following report :

MR. SPEAKER :

The select committee, to whom was referred House bill No. 22, entitled " a bill to provide for a geological, mineralogical, and agricultural survey of the State of Indiana," have had the same under consideration, and directed me to report the same back to the House, with the accompanying amendment thereto, and when so amended, to recommend its passage.

Strike out all after the enacting clause, and insert in lieu thereof as follows :

That the Governor be, and he is hereby authorized and required, as soon as may be practicable, after the passage of this act, to appoint a State Geologist. who shall be a competent person, well skilled in the sciences of geology and mineralogy, and such State Geologist shall, by and with the consent of the Governor, and when the amount of work to be performed shall render it necessary, appoint two other competent persons to assist him in the discharge of his duties, one of whom shall be a practical and skillful chemist.

SEC. 2. It shall be the duty of such State Geologist, for the purpose of facilitating and expediting the geological survey of this State, to organize as many geological corps as may be deemed proper and necessary, and as the appropriation hereinafter made may justify.

SEC. 3. Such geologist, assistant, and geological corps, shall, as soon as may be practicable after their appointment, commence and carry on, with as much expedition and dispatch as may be consistent with minuteness and accuracy, a thorough topographical, geological, mineralogical, chemical, and agricultural survey of this State.

SEC. 4. They shall commence such survey in the mineral regions of the State, and make correct topographical examinations and maps of all hills, ridges, and water courses ; and they shall carefully prepare the materials for a full and complete geological map of the State, showing accurately its geological and topographical features.

SEC. 5. Such geologist, and such of his assistants as shall be authorized in writing, shall have access to the records, plats, profiles, filed-books and notes of all surveys of land, as well as surveys of roads railroads, canals, and rivers, which have been, or may hereafter be, made in the State, with full authority to make such copies and extracts from the same, as shall be deemed useful and necessary for expediting and facilitating the topographical department of the survey of this State.



SEC. 6. Such geologist, assistant, and geological corps, shall ascertain the order, succession, thickness, dip and course of the several strata, or geological formations of this State, and determine the arrangement, relative position, and comparative magnitude of the same. They shall make experiments upon the durability and suitability of certain strata for building materials, and polish certain specimens of such strata as seem likely to afford good marble. They shall examine thoroughly the saliferous rocks, and ascertain the prospect of the discovery of profitable salt water.

SEC. 7. They shall discover and examine such beds or deposits of iron ore, as may be deemed of value, and worthy the attention of iron masters; and they shall discover and examine such beds of fire-clay, potters' clay, grits and allum slates, as may be deemed profitable.

SEC. 8. They shall determine the boundary of the coal formation, and ascertain the most valuable out-croppings of coal. They shall make observations on the exact dip of the coal measures, for the purpose of ascertaining the depth at which any particular seam might be reached by shafts sunk for that purpose. They shall determine the correspondence, dip and prevalence of the various seams of coal; and they shall ascertain whether any veins of trap, basalt, or green stone protrude through such seams, causing faults or dykes.

SEC. 9. Such geologist, assistants, and geological corps, in order to fully develop the mineral resources of this State, shall discover, examine, and disclose all beds or deposits of ore, coal, marl, calcareous tufa, peat, valuable clays, or sands, and such other mineral substances as may be of economical value; and they shall discover the most remarkable fossil organic remains, or other characteristic indications, which might lead to valuable discoveries.

SEC. 10. Such geologist and his assistants, shall make full and complete chemical examinations, assays, and analysis of all rocks, ores, coal, marl, cements, bituminous shales, and other mineral substances, for the purpose of ascertaining their intrinsic relative value.

SEC. 11. They shall carefully examine and analyze the soils, subsoils, and under-clays, of the different geological formations; and they shall ascertain, by comparative chemical analysis, the precise difference in the amount of fertilizing ingredients, in such soils as present peculiar agricultural interest; also, the amount and kind of materials which have been removed from such soils by long tillage, and what organic mineral manures should be added, to make one soil equally fertile with another, and to restore the exhausted elements; and they shall carefully analyze and examine all natural waters, to which are ascribed medicinal or deleterious influences, as well as those of the principal rivers of the State.

SEC. 12. Such geologist, assistants, and geological corps, shall visit and make such exploration of each county in this State, as

may be necessary, to give them a general character of its soils, its agricultural resources and adaptations, and as will be sufficient to satisfy them of the extent, character, quantity, nature, and value of its mineral deposits, and will enable them to give such deposits a careful examination; and they shall communicate such information as may be obtained by them to the citizens of this State, and especially to the owners of land on which discoveries may be made.

SEC. 13. Such geologist, and the heads of the geological corps, shall deposit, at the auditor's office of such county, in which valuable minerals or other useful substances may be discovered, such specimens as they shall deem of value for the inspection of the citizens of such county.

SEC. 14. Such geologist shall deliver at the court house of each county in which valuable discoveries may be made, a public lecture upon the examinations, assays, and analysis of all such rocks, ores, and soils within such county.

SEC. 15. Such geologist shall, on or before the first day of January in each year, make a report of the progress of such survey, accompanied with such maps, drawings and specifications, as may be necessary and sufficient, fully to explain and illustrate such survey, to the Governor, who shall lay such report before the next General Assembly.

SEC. 16. Such geologist shall, from time to time, during the progress of such survey, forward to the Governor such specimens of rocks, ores, coals, fossils, and other mineral substances, as may be necessary to form a complete cabinet of the specimens of geology, mineralogy, and other useful substances of the State; and the Governor shall cause the same to be deposited in proper order, in some convenient room in the State Capitol, or in such other place as may be provided by law, there to be preserved for public inspection.

SEC. 17. Such geologist, each one of his assistants, and each one of those composing the geological corps, shall, before entering upon the duties of their respective offices, take an oath faithfully to perform all the services required of them under this act, and abstain from all pecuniary speculation for themselves or others, in the objects of the survey during its progress; and that they will not conceal any valuable discoveries, or information from the owner or owners of land, on which such discovery is made, but will, in all things, so conduct the survey, as to notify, if practicable, the community generally, and especially the owner or owners of land on which any and every valuable discovery is made. Such oath shall be taken before some clerk of the circuit court or judge thereof, of this State, subscribed by such geologist, each one of his assistants, and each one of those composing the geological corps, and filed with the Governor.

SEC. 18. The Governor shall have power to remove any of the persons appointed under this act, from their respective offices, for

negligence or incompetency, or upon failure to comply with the provisions of this act; and upon such removal, or in case of a vacancy occurring in either of such offices from any other cause, the Governor may appoint a suitable person or persons to fill such vacancy or vacancies.

Sec. 19. For the purpose of carrying into effect the provisions of this act, the sum of eight thousand dollars per annum, for two years from the commencement of such survey, is hereby appropriated, to be paid by the Treasurer of State, from time to time, upon warrants of the Auditor, under and at the direction of the Governor: *Provided*, That the State geologist shall not receive more than four dollars per day, for the time they are in actual service: *And provided further*, That the appropriation herein made, shall only be used so far as the Governor may find necessary to obtain the services of a competent geologist and assistants, during that part of the year, when such geologist can be profitably employed in the prosecution of such survey.

Which report was concurred in, and amendment adopted.

On motion by Mr. Conduitt,

The bill was laid on the table, and 200 copies ordered to be printed.

Mr. Studabaker, from a select committee, made the following report:

MR. SPEAKER:

The special committee, to whom was referred House bill No. 66, an act for the investment and safe keeping of the school fund arising from the 114th section of an act, establishing a State bank, approved January 28th, 1834, have had the same under consideration, and a majority direct me to report said bill back to the House, and recommend its passage.

On motion by Mr. Lane,

The bill contained in the foregoing report was laid on the table, and made the special order of the House this afternoon at 2 o'clock, P. M.

The question pending at the adjournment yesterday, was Mr. Blake's resolution relative to the protest of Mr. Gordon and others, as also the amendment of Mr. Walpole.

It was now taken up.

The amendment of Mr. Walpole was accepted by Mr. Blake.

Mr. Conner of Wabash moved to lay the resolution on the table.

The ayes and noes were demanded by Messrs. Conner of Wabash and Grose.

*Those who voted in the affirmative were,*

Messrs. Austin, Ballenger, Batterton, Boyd, Branham, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Davis of Hendricks, Denby, Duncan, Evans, Gordon, Grose, Hawkins, Hayden, Hutchings, Larue, Mercer, Merrifield, Modesitt, Moon, McDonald of Lake, Neal, Shuman, Sloss, Smith of Delaware, Steele, Stone, Todd, Van Sandt, Vawter, Wagner, Ward, Whitcomb, Williams of Lagrange, and Wright—38.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Allen, Ayres, Bethell, Blake, Bowman, Branson, Brown, Bryan, Carnahan, Claypool, Conduitt, Crowe, Cullen, Davis of Sullivan, Dobbins, Douglass, Edson, Harrison, Herod, Hoagland, Landiss, Lane, Lewis, Massey, Marvin, Moore, McDaniel, McDonald of Fountain, McGinnis, McKinney, Reese, Reyman, Ricketts, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Stillwell, Studabaker, Taggart, Trippet, Wallace, Walpole, Williams of Knox, Wiley, Williamson, Yater, and Mr. Speaker—51.

So the resolution was not laid on the table.

Mr. Walpole moved a call of the previous question,  
Which was seconded by the House.

The question being, shall the main question be now put?

It was agreed to.

The question being, shall the resolution be adopted?

The ayes and noes were demanded by Messrs. Conner of Wabash and Marvin.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Ayres, Bethell, Blake, Bowman, Branson, Brown, Bryan, Carnahan, Clark, Claypool, Conduitt, Crowe, Cullen, Davis of Sullivan, Dobbins, Douglass, Duncan, Early, Edson, Harrison, Herod, Hoagland, Landiss, Lane, Lewis, Massey, Marvin, Modesitt, Moore, McDaniel, McDonald of Fountain, McGinnis, McKinney, Reese, Reyman, Ricketts, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Stillwell, Studabaker, Taggart, Trippet, Wallace, Walpole, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker—55.

*Those who voted in the negative were,*

Messrs. Austin, Ballenger, Batterton, Boyd, Branham, Clapp,

Colgrove, Conner of Hamilton, Conner of Wabash, Davis of Hendricks, Denby, Evans, Gordon, Grose, Hawkins, Hayden, Hutchings, Larue, Mercer, Merrifield, Moon, McDonald of Lake, Neal, Shuman, Sloss, Steele, Stone, Todd, Van Sandt, Vawter, Wagner, Ward, Whitcomb, Williams of Lagrange, and Wright.—35.

So the resolution was agreed to.

#### RESOLUTIONS.

On motion by Mr. Smith of Bartholomew,

*Resolved*, That the committee on education be requested to enquire into the expediency of requiring teachers teaching public schools, to teach seven hours each day, from the first day of March, to the first day of September, and six hours each day, from the first day of September to the first day of March, and that they be required to report by bill, or otherwise.

On motion by Mr. Lane,

*Resolved*, That, whereas, bill No. 6, concerning interest on money, has been by mistake sent to the Senate, and reported as finally passed by this House, and, whereas, it appears that the motion to reconsider the vote on the passage of said bill, had not been disposed of in accordance with the constitution and rules of this House, therefore,

*Resolved*, That the Senate be respectfully requested to return said bill No. 6 to this House, for final action thereon.

Mr. Larue offered the following resolution :

*Resolved*, That the committee on apportionment be instructed to report immediately, either the Senate bill, or such other bill apportioning the State for Senatorial and Representative purposes, the passage of which they will be willing to recommend.

Which,

On motion by Mr. Studabaker,  
Was laid on the table.

Mr. Bethell offered the following preamble and resolution :

**WHEREAS**, The session of the present legislature is now half gone, and much important business to be yet disposed of, therefore,

*Resolved*, That hereafter, speeches on this floor shall be limited to fifteen minutes.

Mr. Grose moved to lay the resolution on the table,  
Which was not agreed to.

On motion by Mr. Walpole,  
The resolution was amended by adding, "except by special leave  
of the House."

Mr. Larue moved to amend the resolution by "striking out the  
exception."

Which was not agreed to.

The question then being on the adoption of the resolution.  
It was agreed to.

On motion by Mr. Mercer,

*Resolved*, That the committee on education enquire into the expediency of making provision by law, for the erection of not less than three, nor more than five buildings suitable for normal schools.

Mr. Schermerhorn, from the committee on fees and salaries, made the following report :

MR. SPEAKER :

The committee on fees and salaries, to which was referred House bill No. 117, entitled "an act to amend the 9th section of an act, entitled an act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855, have had the same under consideration, and have directed me to report the same back to the House, respectfully recommending its passage.

Which report was concurred in, and the bill ordered to be engrossed.

On motion by Mr. Herod,

*Resolved*, That each and every insurance company organized under the laws of the State of Indiana, and now transacting the business of insurance, be requested forthwith to inform this House, under the oath of some one or more of their executive officers, under what law they are doing business; when the present organization was perfected; the amount of capital stock actually subscribed in good faith; the amount of such stock paid in, and how paid in, how secured, and the amount of funds remaining with such company, received for premiums; such statement to exhibit the condition of the company in regard to capital, investments, and cash on hand, on any day between the first and tenth of January, 1857.

On motion by Mr. Conner of Wabash,



*Resolved*, That the judiciary committee be instructed to enquire into the expediency of repealing or modifying the laws now in force, authorizing railroad companies to take real estate subscriptions for stock, and to provide some method whereby farmers and others who have been cheated or defrauded of their farms, may recover the same back from such railroad company, and that they report by bill or otherwise.

On motion by Mr. Van Sandt,

*Resolved*, That the judiciary committee be requested to enquire into the expediency of so amending the present law regulating the acknowledgment of deeds, as to permit justices of the peace to use an official seal, and that acknowledgment of deeds or other instruments of writing taken by them, with their official seal annexed, shall have the same force and effect in law as acknowledgments taken by notary publics, and report by bill or otherwise.

On motion by Mr. Carnahan,  
The House adjourned.

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TWO O'CLOCK, P. M.

The House met.

On motion by Mr. Denby,  
Leave of absence was granted the committee on elections this afternoon.

By unanimous consent,  
Mr. Merrifield introduced,  
House bill, No. 166, a bill to legalize the acts of the board of trustees of the town of Mishawaka.

Which was read a first time, and passed to a second reading.

By unanimous consent,  
On motion by Mr. Dobbins,

*Resolved*, That the committee on the organization of courts of justice, be instructed to enquire into the expediency of so chang-

ing the terms of the court of common pleas, as that they shall sit but twice during the year in each county, the terms to take place between the sitting of the circuit courts, and report by bill or otherwise.

By unanimous consent,

Mr. Shuman offered the following resolution :

*Resolved*, That the committee on the judiciary, be instructed to enquire into the expediency of so amending the law for the settlement of decedents' estates, as to cause claims to be filed with the administrator or executor instead of with the clerk of the court.

Which was agreed to.

The hour having arrived, the House proceeded to the special order of the day, on House bill No. 66, a bill for the investment and safe keeping of the school fund, arising from the 114th section of an act establishing a State bank, approved January 23, 1834.

Mr. Lane submitted the following amendment :

Strike out all after the enacting clause, and insert the following :

WHEREAS, The amount now on mortgage loan to the citizens of the State, of the sinking fund, is over one million two hundred thousand dollars ;

AND WHEREAS, This sum could not be made available for the purpose of purchasing the bank bonds of the State, without materially embarrassing the financial affairs of the State ;

AND WHEREAS, It appears by the report of the president of the State bank of Indiana, that the amount now in the branches of said bank, due and likely to be paid to the sinking fund commissioners, will be sufficient to redeem the bank bonds now outstanding, and the amount above referred to as now on loan, is the surplus contemplated and referred to in section 114 of the act establishing a State bank, approved January 23th, 1834, therefore,

*Be it enacted by the General Assembly of the State of Indiana*, That the amount of the sinking fund now in the hands of, or under the control of the officers and commissioners of the sinking fund, whether in cash or loaned mortgage security, be and the same is hereby appropriated and set apart for common school purposes.

SEC. 2. It shall be the duty of the General Assembly to appoint a committee of five, three of whom shall be of the House of Representatives, and two on the part of the Senate, whose duty it shall be to distribute, set apart and divide between the counties of the State, on a just and equitable basis, the entire amount of said funds.

SEC. 3. Said committee in making such distribution, shall give to the counties the mortgages on loan in said county, or adjoining counties, as near as may be to secure an equitable division.

SEC. 4. Said committee shall distribute said fund on the basis and according to the number of votes cast in each county at the last State election.

SEC. 5. When said committee shall have agreed upon said distribution and division of said fund, they shall publish an abstract of the same, notify the county auditor of each county of the amount and mortgages set apart for said county, and forward the same to said auditor, by said conveyance, or deliver the same to him at the office of the State bank of Indiana.

SEC. 6. On the receipt of said fund, the auditor and treasurer of each county shall enter the total amount on their books, to the account of "county sinking fund," and by that name and style said fund shall be kept separate and distinct from other funds in the county. Said officers shall also enter the names of the mortgagors, and the amount of each, as loans made of said fund.

SEC. 7. *Be it further enacted*, That the State of Indiana, hereby vest in and transfers to the counties respectively, all right or interest in the bonds or mortgages aforesaid, with all the rights of forfeiture or otherwise, stipulated in said mortgages, and said counties are hereby vested with all the power to enforce the collection of the interest and the principal of said mortgages, in the name of the State of Indiana, that said State, or its fund commissioners now have, or of right possess.

SEC. 8. The amount so distributed shall be and remain a permanent fund for the encouragement of education, and the county shall be, and is hereby made responsible for the safety and security of the same.

SEC. 9. The interest arising from the loan of said fund shall be distributed annually for the benefit of common schools, as now or may hereafter be required by law. And the county auditor and treasurer shall be entitled to the same per centage that is now allowed by law for the collection, reloaning, distributing, or managing other school funds.

SEC. 10. It shall be the duty of the county auditor to examine the security for each loan, and report to the county commissioners, if, in his opinion, the same is or is not sufficient, and when sufficient the board of county commissioners may extend or continue the loan to the present borrowers, provided the interest is paid promptly; but if the security is regarded doubtful or insufficient, then the board of county commissioners shall direct the collection of the same.

SEC. 11. Should the borrowers or land mortgaged be in another county, the board of county commissioners may require the payment of said loan, and re-loan the same to a citizen of their own county, unless the present borrower agrees to, and does pay the interest promptly to the treasurer of the county entitled to the same.

SEC. 12. In said division, should it be necessary to set apart to two or more counties, a part or portion of a mortgage or loan,

said committee shall designate the part or portion of which each county is entitled to; and unless the borrower shall make the same satisfactory to each county, by the execution of a new bond or mortgage for the amount said county is entitled to, then the sinking fund commissioners shall collect said loan and pay over to the county the amount so appropriated to said county. Should said loan not be due, then said counties may permit said bond and mortgage to remain with the officers of the fund commissioners, with directions to collect the same when due; and it shall be the duty of the fund commissioners to pay over to said counties the interest each are entitled to, and pay over the principal when collected.

Sec. 13. *Be it further enacted*, That whereas, the provisions of this act require the prompt action of a committee, therefore an emergency exists for the immediate taking effect of this act, and the same is hereby declared to be in force from and after its passage and publication in the Indiana State Sentinel and Indiana State Journal.

On motion by Mr. Lane,

The bill and amendment were laid on the table, and 200 copies ordered to be printed.

Mr. Humphreys, chairman of the committee on apportionment, made the following report:

MR. SPEAKER:

The committee on apportionment has had under consideration the resolution of the House referring to said committee, so much of the Governor's message, as relates to apportioning Senators and Representatives in the State, and a majority of said committee have directed me to report the following bill, and recommend its passage:

No. 167. A bill to apportion Senators and Representatives in the State of Indiana.

Which was read a first time, and passed to a second reading.

Mr. Humphreys moved to suspend the rules, and read the bill a second time now.

The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Adams, Allen, Austin, Ayres, Ballenger, Bethell, Blake, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Clapp, Claypool, Conner of Hamilton, Conner of Wabash, Conduitt, Crowe, Cullen, Davis of Hendricks, Dobbins, Douglass, Duncan, Early,

Edson, Evans, Gordon, Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Hutchings, Kerr, Landiss, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Modeitt, Moon, Moore, McDaniel, McDonald of Lake, McFarland, McGinnis, McKinney, Neal, Price, Reese, Reyman, Sherrod, Shoulders, Slicer, Sloss, Smith of Bartholomew, Steele, Stone, Studabaker, Trippet, Van Sandt, Vawter, Wallace, Walpole, Ward, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Yater, and Mr. Speaker—78.

No person voted in the negative,

So the rules were suspended, and the bill read a second time.

On motion by Mr. Humphreys,

The bill was laid on the table, and 200 copies ordered to be printed.

Mr. Lane, from the committee on banks, made the following report :

The majority of the committee on banks, to whom was referred House bill No. 99, "an act to prevent the making, issuing, or circulating of fraudulent bank notes, bills, and other instruments, as money; to suppress fraudulent banking, and to declare and create a personal liability against all persons engaged, or who may be engaged therein, and for other purposes," have had the same under consideration, and directed me to report the same to the House, without amendment, and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

By unanimous consent,

Mr. Gordon introduced,

House bill No. 168. A bill to reorganize the fifth, ninth, tenth, eleventh, and twelfth judicial circuits, and to fix the time of holding circuit courts therein.

Which was read a first time, and passed to a second reading.

Mr. Humphreys, chairman of the committee on apportionment, made the following report:

MR. SPEAKER :

The committee on apportionment, to which was referred Senate bill No. 1, have had the same under consideration, and a majority of said committee have directed me to report the same back to the House, and recommend that it be laid upon the table.

Senate bill No. 1. A bill to apportion senators and representatives for the next four years.

On motion by Mr. Humphreys,  
The bill was laid on the table, and two hundred copies ordered to be printed.

# BILLS INTRODUCED.

By Mr. Wallace,

No. 169. A bill to amend an act, entitled "an act to provide for the erection and repair of bridges, and to repeal an act, entitled 'an act to provide for the erection and repair of bridges,'" approved March 3, 1855.

Which was read a first time, and passed to a second reading.

By Mr. Bethell,

No. 170. A bill to amend section first of an act, entitled "an act for the regulation of weights and measures," approved Feb. 28, 1855.

Which was read a first time, and passed to a second reading.

By Mr. Clapp.

No. 171. A bill to amend section six of an act, entitled "an act touching the laying out and vacating towns, streets, alleys, public squares and grounds, or any part thereof, the making out and recording of plats of such towns, and providing for the change of the names of such towns."

Which was read a first time, and passed to a second reading.

By Mr. Stillwell,

No. 172. A bill to regulate and determine the fees of judges, in writs of habeas corpus, injunctions, and restraining orders in the vacation of courts.

Which was read a first time, and passed to a second reading.

By Mr. Walpole,

No. 173. A bill to authorize the Auditor of State to sell the houses, brick, and materials now on the Governor's circle, and requiring the purchaser to remove the same.

Which was read a first time, and passed to a second reading.

By Mr. Smith of Bartholomew,

No. 174. A bill to amend an act, entitled "an act providing for the election or appointment of supervisors of highways, and prescribing certain duties, and those of county and township officers in relation thereto."

Which was read a first time, and passed to a second reading.



On motion by Mr. Larue,

House bill No. 21. A bill to appraise the real estate of the State of Indiana, and to make such appraisement uniform throughout the State.

Was taken from the table, and ordered to be engrossed.

On motion by Mr. Studabaker,

House bill No. 165. A bill to amend sec. 2 of an act, entitled an act to change the time of holding courts in the eleventh judicial circuit.

Was taken from the table, and read a second time.

On motion by Mr. Evans,

The bill was amended as follows :

“In the counties of Howard, Huntington, Grant, and Carroll, two weeks each.”

Mr. Studabaker moved to suspend the rule, and read the bill a third time now.

The ayes and noes were demanded under the constitution.

*Those who voted in the affirmative were,*

Messrs. Adams, Allen, Ayres, Ballenger, Blake, Bowman, Boyd, Branham, Branson, Brown, Carnahan, Clark, Conner of Hamilton, Conner of Wabash, Conduitt, Crowe, Cullen, Davis of Hendricks, Dobbins, Douglass, Duncan, Early, Edson, Evans, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Hutchings, Kerr, Landiss, Lane, Larue, Lewis, Massey, Mercer, Merrifield, Modesitt, Moore, McDaniel, McDonald of Lake, McFarland, McGinnis, McKinney, Neal, Price, Reese, Reyman, Ricketts, Schermerhorn, Shoulders, Slicer, Smith of Bartholomew, Studabaker, Taggart, Todd, Trippet, Van Sandt, Vawter, Wallace, Walpole, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Yater, and Mr. Speaker—69.

*Those who voted in the negative were,*

Messrs Clapp, Gordon, Grose, and Sloss—4.

So the rules were suspended, and the bill read a third time.  
The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Allen, Austin, Ayres, Ballenger, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Conner of Hamilton, Conner of Wabash, Conduitt, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Dobbins,

Douglass, Early, Edson, Evans, Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Hutchings, Kerr, Landiss, Lane, Larue, Massey, Mercer, Merrifield, McDaniel, McDonald of Fountain, McFarland, McGinnis, McKinney, Neal, Price, Reese, Reyman, Schermerhorn, Sherrod, Shoulders, Shuman, Sloss, Smith of Bartholomew, Stillwell, Stone, Studabaker, Taggart, Todd, Trippet, Van Sandt, Vawter, Wallace, Walpole, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Yater, and Mr. Speaker—76.

*Those who voted in the negative were,*

Messrs. Modesitt and Moore—2.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

#### HOUSE BILLS ON THIRD READING.

No. 10. A bill to provide for the approval of official bonds, in cases not now provided for by law.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Allen, Austin, Ayres, Ballenger, Blake, Bowman, Boyd, Branham, Branson, Brown, Carnahan, Clapp, Clark, Conner of Hamilton, Conner of Wabash, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Dobbins, Douglass, Duncan, Early, Edson, Evans, Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Hutchings, Kerr, Landiss, Lane, Larue, Mercer, Merrifield, Modesitt, Moore, McDaniel, McFarland, McGinnis, McKinney, Neal, Price, Reese, Reyman, Schermerhorn, Sherrod, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Stillwell, Stone, Studabaker, Taggart, Todd, Trippet, Van Sandt, Vawter, Wallace, Walpole, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Yater, and Mr. Speaker.—74.

No member voting in the negative.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

No. 132. A bill to amend an act, entitled an act declaratory of the law regulating marriages, and enforcing the provisions thereof, by the proper penalties, approved March 5, 1852.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Allen, Austin, Ayres, Ballenger, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Conner of Hamilton, Conner of Wabash, Conduitt, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Dobbins, Douglass, Duncan, Early, Edson, Evans, Gordon, Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Hutchings, Kerr, Landiss, Lane, Larue, Lewis, Massey, Marvin, Mercer Merrifield, Modest, Moore, McDaniel, McGinnis, McKinney, Neal, Price, Reese, Reyman, Schemmerhorn, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Stillwell, Stone, Studabaker, Taggart, Todd, Trippet, Van Sandt, Vawter, Wallace, Walpole, Ward, Whitcomb, Wiley, Williams of Lagrange, Williamson Yater, and Mr. Speaker.—78.

No member voting in the negative.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

Mr. Kerr, chairman of the committee on State prison, made the following report:

**MR. SPEAKER:**

The committee on the affairs of the State prison, to whom was referred House bill No. 129, entitled "a bill to provide for the government and discipline of the State prison, and to repeal an act to provide for the government and discipline of the State prison, approved March 3, 1855, and all other laws inconsistent with this act," have had the same under consideration, and instruct me to report the same back to this House, with the following amendments, to wit:

In the third line of the fourth section, strike out the word "two," and insert the word "four," so as to allow the warden to hold his office for four years instead of two years.

In the 12th line of the 5th section, strike out the word "one," and insert the word "ten," so as to require the clerk and deputy warden to give bond, in the sum of ten thousand instead of one thousand dollars each.

In the 4th line of the 14th section, insert the words "quarter of the year," so as to require the warden to pay into the State treasury all moneys in his hands, quarter'y instead of monthly.

Amend the 6th section, by adding thereto this provision : "The term of service, and imprisonment of every convict, shall commence from the day of his conviction and sentence.

When so amended, the committee recommend the passage of said bill.

The amendment was adopted, the report concurred in, and the bill ordered to be engrossed.

Mr. Gordon, chairman of the committee on affairs of the town of Indianapolis, made the following report :

MR. SPEAKER :

The committee on the affairs of the town of Indianapolis, to whom was referred House bill No. 23, have had the same under consideration, and have directed me to report the same back to the House, with the accompanying amendment, and, so amended, to recommend its passage :

Strike out all after the enacting clause, and insert the following :

That it shall be the duty of the Auditor of State to sell the brick and other materials of the buildings now standing upon the Governor's circle, at public sale, to the highest bidder, having first given three weeks' notice of the time, place, and terms of sale, in the papers of the city of Indianapolis; and the purchaser thereof is hereby required to remove the same, from said circle, within sixty days after said sale.

SEC. 2. Immediately upon the removal of said buildings, the auditor shall have the ground, now occupied thereby, filled up and leveled, so that the same shall correspond and be even with the surrounding premises; and, as soon as practicable thereafter, he shall cause the same to be planted, with such trees as may be commonly used for shade in the neighborhood.

SEC. 3. Should the proceeds of the sale of said building materials be more than sufficient to remove the rubbish thereof from the same, and level the said grounds, as herein before provided, to plant the same with shade trees, it shall be the duty of the auditor to appropriate the same for the construction of a neat and substantial fence around said lot, provided said balance of the proceeds of such sale shall be sufficient; and if it be insufficient for that purpose, the said auditor shall not proceed to erect such fence, until the citizens of Indianapolis shall raise, by voluntary subscription, a sum which, with such balance, shall be sufficient for that purpose.

The report was concurred in, the amendment adopted, and the bill ordered to be engrossed.

No. 150. A bill to regulate the business of insurance companies not incorporated by the State of Indiana, to punish violations of its provisions, and to repeal all provisions and enactments in regard to such companies.

Was read a second time,

And,

On motion by Mr. Studabaker,

Referred to the committee on the judiciary.

No. 151. A bill to prescribe the terms upon which insurance companies not organized in this State, may transact business in the State of Indiana, to provide for the security of policy holders of such companies, to provide the mode and manner of bringing suit against the same, and to affix penalties for the violation of the provisions of this act, and repealing all laws in conflict therewith.

Was read a second time,

And,

On motion by Mr. Kerr,

Referred to the committee on the judiciary.

No. 152. A bill to fix the time for holding the circuit courts in the first judicial circuit, and repealing all laws in conflict therewith.

Was read a second time,

On motion by Mr. Vawter,

Referred to the committee on the organization of courts of justice.

No. 153. A bill to amend "an act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2d, 1855.

Was read a second time,

On motion by Mr. Stillwell,

Referred to the committee on fees and salaries.

No. 154. A bill to refund money paid on sale of land for taxes.

Was read a second time, and ordered to be engrossed.

No. 155. A bill repealing the 711th section of article 41, chapter 1, volume 2, of the revised statutes of Indiana, and enacting a section in lieu thereof.

Was read a second time,

And,

On motion by Mr. Larue,

Referred to the committee on corporations.

No. 156. A bill for the relief of John M. Shivy.

Was read a second time,

On motion by Mr. Moore,

Referred to the committee on the judiciary.

## HOUSE BILL ON THIRD READING.

No. 77. A bill to amend the first section of an act, entitled an act to incorporate the Cannelton paper mill, approved February 18, 1848, so as to give power to manufacture other articles, and changing the names of the corporators.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Allen, Bailenger, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Conner of Hamilton, Conduitt, Crowe, Cullen, Davis of Sullivan, Dobbins, Douglass, Duncan, Early, Edson, Evans, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Hutchings, Kerr, Landis, Lane, Larue, Lewis, Massey, Mercer, Merrifield, Modesitt, McDonald of Lake, McGinnis, McKiuney, Neal, Price, Reese, Reyman, Ricketts, Shuman, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Stillwell, Stone, Studabaker, Taggart, Todd, Trippet, Van Sandt, Vawter, Wallace, Walpole, Ward, Whitcomb, Yater, and Mr. Speaker—69.

*Those who voted in the negative were,*

Messrs. Ayres, Moore, Wiley, Williams of Knox, Williams of Lagrange, Conner of Wabash—6.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

On motion by Mr. Cullen,  
The House adjourned.

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FRIDAY MORNING, 9 o'clock, }  
February 6th, 1857. }

The House met.

The journal was read and adopted.



On motion,

Leave was granted Mr. Conner of Wabash to change his vote on House bill No. 77, passed yesterday. Mr. Conner recorded his vote in the negative.

PETITIONS, MEMORIALS, AND REMONSTRANCES.

By Mr. Marvin.

A petition signed by sundry citizens of Boone county, to reduce the width of the Michigan road.

Was referred to the committee on roads.

Mr. Wallace, from the committee on rights and privileges of the State, made the following report :

MR. SPEAKER :

The committee on rights and privileges, to whom was referred so much of the Governor's message as refers to illegal voting, have had the same under consideration, and beg leave to report the following amendment to the constitution of the State of Indiana:

House bill No. 175. A bill to amend the 2d section of article 2, of the constitution of the State of Indiana.

Which was read a first time, and passed to a second reading.

Mr. Vawter, from the committee on the rights and privileges of the inhabitants of the State, made the following report :

MR. SPEAKER :

The committee on rights and privileges, to whom was referred the petition of citizens of Vernon, Jennings county, praying a repeal of the act incorporating said town, have instructed me to report the following bill, and recommend its passage :

House bill No. 176. A bill to repeal an act to incorporate the town of Vernon.

Which was read a first time, and passed to a second reading.

The Speaker announced the following special committee on Mr. Gordon's protest, viz :

Messrs. Walpole, Blake, Stillwell, Kerr, and McDaniel.

Mr. Larue submitted the following protest, to be placed upon the journal of the House :

WHEREAS, Certain members of this House, Republican in politics, entered their protest upon the journal against certain proceedings had in the hall of this House, in what had been denominated in the journal as a joint convention of the Senate and House of Representatives of this General Assembly, believing that no such joint convention had been legally held, and protesting against the acts of certain persons mentioned in said protest as having been committed in this hall, believing such acts an infringement upon their privileges as Representatives, and protesting against the action of the majority sustaining said illegal acts :

AND WHEREAS, On motion made by a member of this House, opposed in political sentiments to the protestants, their said protest was referred to a select committee for investigation :

AND WHEREAS, The conclusions in said protest avowed, are affirmed by the protestants and denied by the majority of this House, and said committee being composed entirely of members of said Democratic majority, (said protestants having no voice in their selection,) our view of this issue presented, must be tried by our political opponents, without any opportunity being afforded us of defending our position :

AND WHEREAS, Also, We deem said reference an invasion of our constitutional rights, an unwarrantable assumption, by the majority, of powers not given them by the constitution of our State; and believing that the right to protest against the action of the majority, guaranteed by the constitution to be a *reality* and not a *mockery*; therefore, in view of what we consider our rights in the premises, and against what we deem an unwarranted and unauthorized invasion of those rights by the majority of this House, we, in behalf of ourselves and our constituents, enter our solemn protest.

J. D. CONNER,  
THOMAS. J. NEAL,  
M. P. EVANS,  
JOHN WHITCOMB,  
GEO. MOON,  
GEO. C. MERRIFIELD,  
G. K. STEELE,  
WM. W. CLAPP,  
ROBERT BOYD,  
MARCUS C. SMITH,  
WILLIAM HAWKINS,  
JNO. M. LARUE,  
W. GROSE,

G. D. WAGNER,  
CHARLES M. STONE,  
GEO. CRAWFORD,  
S. P. WILLIAMS,  
H. W. SHUMAN,  
ALEX. H. CONNER,  
S. B. WARD,  
A. McDONALD.  
A. B. PRICE,  
J. M. AUSTIN,  
T. B. SLOSS,  
JOHN DAVIS,

The Speaker laid before the House the following communication and report from E. Dumont, president of the sinking fund :

OFFICE OF COMMISSIONERS OF SINKING FUND, }  
 Indianapolis, February 5th, 1857. }

HON. BALLARD SMITH,

*Speaker of the House of Representatives :*

SIR :—Please lay before the House over which you preside, the accompanying communication, intended as a reply to a resolution adopted by that honorable body some days since, requesting me to report what I do there report.

Respectfully,

E. DUMONT, *President.*

SINKING FUND OFFICE, }  
 February 2d, 1857. }

The amount of sinking fund loaned out on mortgage at this date is \$1,301,524 91 ; and the following statement shows what portion of said amount has been loaned on land in the several counties of this State. The inequality results chiefly from the fact, that more applications are made from some than other counties, rendering equalization impracticable, as loans can only be granted to such as may apply :

Allen .....	\$5,800 00
Boone .....	18,351 13
Brown .....	11,350 00
Bartholomew .....	9,043 05
Penton .....	23,160 00
Blackford .....	3,050 00
Cass .....	14,702 15
Clinton .....	45,833 38
Clay .....	3,750 20
Crawford .....	1,000 00
Carroll .....	2,770 34
Clark .....	568 09
Daviess .....	522 20
Dearborn .....	22,246 21
Decatur .....	21,806 25
Delaware .....	4,098 56
Elkhart .....	900 00
Floyd .....	15,500 00
Fayette .....	26,531 34
Fountain .....	9,170 75
Fulton .....	10,291 15
Franklin .....	11,506 73
Grant .....	7,774 15
Gibson .....	725 00

Greene . . . . .	2,721 00
Henry . . . . .	7,896 13
Hancock . . . . .	29,407 26
Hamilton . . . . .	19,036 93
Hendricks . . . . .	14,801 25
Howard . . . . .	30,033 00
Huntington . . . . .	300 00
Jefferson . . . . .	66,407 88
Jackson . . . . .	7,402 64
Jennings . . . . .	963 25
Johnson . . . . .	11,950 00
Jasper . . . . .	22,743 96
Jay . . . . .	6,001 50
Knox . . . . .	2,700 00
Kosciusko . . . . .	758 33
Laporte . . . . .	26,209 10
Lagrange . . . . .	500 00
Lake . . . . .	2,442 47
Lawrence . . . . .	2,115 00
Martin . . . . .	648 72
Miami . . . . .	2,700 00
Marshall . . . . .	15,942 91
Marion . . . . .	353,550 47
Morgan . . . . .	8,835 98
Monroe . . . . .	11,552 00
Montgomery . . . . .	5,828 00
Madison . . . . .	14,041 92
Noble . . . . .	500 00
Owen . . . . .	381 35
Ohio . . . . .	480 00
Parke . . . . .	3,300 00
Pulaski . . . . .	6,350 00
Putnam . . . . .	27,143 87
Porter . . . . .	14,490 00
Rush . . . . .	20,305 75
Ripley . . . . .	1,550 00
Randolph . . . . .	23,838 05
Shelby . . . . .	42,290 36
St. Joseph . . . . .	1,000 00
Sullivan . . . . .	400 00
Steuben . . . . .	2,000 00
Starke . . . . .	2,000 00
Scott . . . . .	1,917 50
Switzerland . . . . .	1,480 00
Tippecanoe . . . . .	77,614 87
Tipton . . . . .	26,454 00
Union . . . . .	4,350 00
Vigo . . . . .	31,959 11
Vanderburgh . . . . .	8,963 59

Vermillion. ....	400 00
Wayne. ....	17,664 53
Wabash. ....	5,450 00
Warren . . . . .	15,669 30
White . . . . .	25,625 22
Total. ....	<hr/> \$1,301,524 91

Although the citizens of some of the counties in this State, do not apply to borrow of the fund at all, and others to but a limited extent, still, since the undersigned came into the discharge of his duties, the applications have at all times exceeded the amount of funds on hand. Applications have been recorded as made, and the board of sinking fund commissioners have deemed it proper, as a general rule, to grant the loans in the same order. At times applications have been exceedingly numerous from some of the counties, and in such case the board have, since my connection with it, in the exercise of what was deemed a sound discretion for a time given preference to the citizens of other counties. For nearly three years the loans have been limited to five hundred dollars to each borrower, except as to the loans granted to the benevolent institutions are included in the amount set down in the Marion county list. Such loans are not, of course, secured by mortgage, as they are in effect loans to the State, they amount to \$28,000. The amount due from the State to the fund, independent of this, (November 3, 1856,) is \$721,545, and is subject to a credit of \$104,863 62, as will be seen by my annual report, already before the legislature.

Respectfully,  
E. DUMONT, *President.*

Which,

On motion by Mr. Davis of Sullivan,  
Was referred to the committee on sinking fund.

On motion by Mr. Conduitt,

*Resolved*, That the Superintendent of the asylum for the education of the deaf and dumb, be requested to report to this House, the probable practicability and usefulness of procuring and maintaining, in said asylum, a printing establishment, for the purposes of instructing the pupils thereof in the business of practical printing, and, eventually, of doing a part or all of the printing for the State.

#### JOINT RESOLUTION INTRODUCED.

House joint resolution No. 10. A joint resolution on the subject of the election of United States Senators.

Was read a first time, and passed to a second reading.

## BILLS INTRODUCED.

By Mr. Kerr,

House bill No. 177. A bill to authorize the empanneling of petit jurors in the court of common pleas, and to repeal an act therein named.

Which was read a first time, and passed to a second reading.

By Mr. Studabaker,

House bill No. 178. A bill to prevent emigration of voters, from one county in this State to another, for the purpose of influencing or carrying the election in such other county, and prescribing penalties against persons aiding, abetting, counselling, or engaged therein.

Which was read a first time, and passed to a second reading.

By Mr. Grose,

House bill No. 179. A bill to equalize the salaries of the judges of the supreme court.

Which was read a first time, and passed to a second reading.

By Mr. Bethell,

House bill No. 180. A bill, entitled "an act for the more efficient and just mode of carrying out the provisions of the fugitive slave law."

Which was read a first time, and passed to a second reading.

By Mr. Denby.

House bill No. 181. A bill to amend section 321 of an act, entitled "an act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases, in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice, in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a first time, and passed to a second reading.

By Mr. Early,

House bill No. 182. A bill to abolish the courts of common pleas, and to transfer the business thereof to the circuit courts, and also to abolish the office of district prosecuting attorney.

Which was read a first time, and passed to a second reading.

Mr. Colgrove moved to suspend the rules, and read the bill a second time now.



The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Austin, Ballenger, Bowman, Boyd, Branham, Bryan, Clark, Claypool, Colgrove, Conduitt, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Duncan, Early, Grose, Hoagland, Hutchings, Larue, Mercer, Modesitt, Moore, Moon, McGinnis, McKinney, Sloss, Smith of Bartholemew, Stillwell, Stone, Studabaker, Taggart, Vawter, and Yater—35.

*Those who voted in the negative were,*

Messrs. Abel, Allen, Ayres, Bethell, Blake, Branson, Brown, Carnahan, Clapp, Conner of Wabash, Crawford, Davis of Hendricks, Edson, Evans, Hawkins, Hayden, Herod, Kerr, Landiss, Lane, Lewis, Massey, Merrifield, McDaniel, McDonald of Lake, McFarland, Neal, Neff, Price, Reese, Robbins, Sherrod, Shoulders, Shuman, Slicer, Smith of Delaware, Steele, Todd, Trippet, Van Sandt, Ward, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Wright, and Mr. Speaker—46.

So the rules were not suspended.

By Mr. Claypool,

House bill, No. 183. A bill to amend section 68, of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State, approved June 17, 1852.

Which was read a first time, and passed to a second reading.

By Mr. Blake,

No. 184. A bill to amend section 8 of an act, providing for the election of clerks of the circuit court, and prescribing some of their duties, approved June 7, 1852.

Was read a first time, and passed to a second reading.

Mr. Branson offered the following resolution:

*Resolved*, That the select committee, to whom was referred a resolution of this House, instructing them to enquire as to the number of Door-keepers and Clerks in the employ of this House, be requested to report without delay.

Mr. Lane moved to lay the resolution on the table.

Which was not agreed to.

The question being on the adoption of the resolution.

It was not agreed to.

On motion,  
Leave of absence was granted Mr. McGinnis.

On motion,  
Leave of absence was granted Mr. Harrison.

On motion,  
Leave of absence was granted Mr. Duncan.

On motion by Mr. Conduitt,  
Leave of absence was granted the committee on benevolent and scientific institutions during the day.

On motion,  
Leave of absence was granted Messrs. Modesitt, Ayres, and Reese.

By Mr. Denby,

No. 185. A bill to release Nathan Rowley, of Vanderburgh county, from the consequences of certain legal proceedings had, and judgment rendered in the Vanderburgh circuit court at the September term of said court, in the year 1847, in an action wherein the State of Indiana, on the relation of Brackett Mills, school commissioner, was plaintiff, and the said Nathan Rowley, former school commissioner, and sundry other persons, his sureties as such, were defendants.

Which was read a first time, and passed to a second reading.

By unanimous consent,  
Mr. Humphreys presented the petition of John Jones, Joseph Lyons and E. P. Cashman, of Green county, relative to the county seminary building, &c.

Which,  
On motion,  
Was referred to the committee on the judiciary.

On motion by Mr. Grose,

Messrs. Davis, Price, Wallace, Branson and Robbins were added to the select committee heretofore appointed on the subject of the practice of medicine and surgery.

On motion by Mr. Sherrod,

The resolution relative to apportioning the State for senatorial and representative purposes, which laid over under the rule, was taken up.

When,  
On motion by Mr. Studabaker,  
The resolution was laid on the table.

By unanimous consent,

Mr. Davis of Sullivan offered the following resolution :

*Resolved*, That the Treasurer of State be requested to furnish this House forthwith with the following information :

1st. If there remains in his office any protested drafts belonging to the State?

2d. What is the amount of such drafts?

3d. By whom were such drafts drawn?

4th. By whom endorsed, and the date thereof?

5th. The cause why such drafts *were* protested?

6th. Whether any efforts have been made to collect such protested drafts, and all other information necessary to a full understanding of the subject?

Which was agreed to.

By unanimous consent,

Mr. Humphreys introduced.

House Joint Resolution, No. 11. A joint resolution relative to the distribution of arms by the general government among the States.

Which was read a first time, and passed to a second reading.

#### ORDERS OF THE DAY.

##### *House Bills on third reading.*

No. 104. A bill to repeal section 10 of an act, entitled an act to establish courts of conciliation, to prescribe rules and proceedings therein, and compensation of judges thereof, approved June 11, 1852.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Austin, Ayres, Ballenger, Bethell, Blake, Bowman, Boyd, Branham, Branson, Bryan, Clapp, Clark, Claypool, Colgrove, Conner of Hamilton, Conduitt, Crowe, Cullen, Davis of Hendricks, Early, Gordon, Grose, Harrison, Herod, Hoagland, Hutchings, Kerr, Landiss, Lane, Merrifield, Moon, McDonald of Lake, McFarland, McKinney, Neff, Price, Schermerhorn, Shuman, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Stone, Studabaker, Van Sandt, Vawter, Ward, Whitcomb, Wright, and Yater—52.

*Those who voted in the negative were,*

Messrs. Allen, Brown, Carnahan, Conner of Wabash, Crawford, Davis of Sullivan, Denby, Dobbins, Douglass, Evans, Hawkins,

Humphreys, Larue, Marvin, Mercer, Moore, McDaniel, Neal, Reyman, Ricketts, Robbins, Shoulders, Slicer, Sloss, Taggart, Todd, Trippet, Wallace, Wiley, Williams of Knox, Williams of Lagrange, Williamson, and Mr. Speaker.—33.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

On motion by Mr. Davis of Sullivan,  
The following message from the Senate was taken up:

A message from the Senate by Mr. Harvey, their Secretary:

MR. SPEAKER:

I am directed by the Senate to return to the House of Representatives, in pursuance of a resolution of the House, the following bill of the House of Representatives:

House bill No 6. A bill to amend an act, entitled an act concerning interest on money, approved May 27, 1852.

The pending question being, to reconsider the vote laying the motion of Mr. Walpole on the table, to reconsider the vote taken on the passage of the bill contained in the foregoing message.

On motion by Mr. Davis of Sullivan,

The consideration of the subject was postponed until Wednesday next at 10 o'clock, A. M., and made the special order of the day.

Mr. Denby offered the following resolution:

*Resolved*, That the committee on elections, charged with the consideration of the contested election case from the county of Rush, be, and they are hereby authorized and empowered to enquire into in the fullest manner, all the facts and circumstances of said election, affecting the purity of the ballot box and the rights of the people of said county, as well as the claimant to the seat.

Mr. Gordon submitted the following amendment:

Amend by providing that any person, the legality of whose action in reference to said election may be called in question before said committee, shall be notified thereof; and have the right to appear and defend himself against such imputation before that committee; and for that purpose shall have process for witnesses to make good such defence.

Mr. Humphreys moved a call of the previous question.  
Which was seconded by the House.

H. J.—28.

The question being, shall the main question be put?  
It was agreed to.

The question being on the adoption of the amendment.

The ayes and noes were demanded by Messrs. Connor of Wabash and Colgrove.

*Those who voted in the affirmative were,*

Messrs. Austin, Ballenger, Boyd, Branham, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Davis of Hendricks, Evans, Gordon, Grose, Hawkins, Hayden, Hutchings, Larue, Mercer, Merrifield, Moon, McDonald of Lake, Neal, Price, Shuman, Sloss, Smith of Delaware, Steele, Stone, Todd, Van Sandt, Vawter, Ward, Whitcomb, and Williams of Lagrange—34.

*Those who voted in the negative were,*

Messrs. Abel, Allen, Ayres, Bethell, Blake, Bowman, Branson, Brown, Bryan, Carnahan, Clark, Claypool, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Early, Edson, Herod, Humphreys, Kerr, Landiss, Lane, Lewis, Massey, Marvin, Moore, McDaniel, McFarland, McKinney, Neff, Reyman, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Stillwell, Studabaker, Taggart, Trippet, Wallace, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker.—51.

So the amendment was not agreed to.

The question then recurred on the adoption of the resolution.

The ayes and noes were demanded by Messrs. Claypool and Humphreys.

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Ayres, Bethell, Blake, Bowman, Boyd, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Claypool, Conduitt, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Early, Evans, Hayden, Herod, Hoagland, Humphreys, Kerr, Landiss, Lane, Larue, Lewis, Massey, Marvin, Merrifield, Moon, Moore, McDaniel, McDonald of Lake, McFarland, McKinney, Neff, Price, Reyman, Ricketts, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Smith of Delaware, Stillwell, Stone, Studabaker, Taggart, Trippet, Vawter, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker

*Those who voted in the negative were,*

Messrs. Austin, Ballenger, Branham, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Davis of Hendricks, Grose, Hawkins, Hutchings, Neal, Shuman, Sloss, Todd, Van Sandt, and Williams of Lagrange—17.

So the resolution was agreed to.

On motion by Mr. Davis of Sullivan,

House bill No. 56. A bill to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act,

Was taken from the table.

Mr. Davis of Sullivan moved to commit the bill to a select committee of three, with the following instructions:

Recommit bill to select committee of three, with instructions to amend so as to allow farmers to shoot, but not otherwise destroy deer, prairie hens, and quails, on their own premises, for their own domestic use and table, but not for sale.

Mr. Studabaker moved to amend the instructions by recommitting to the judiciary committee, with instructions to strike out sections 5, 6 and 7, entire; strike out the word quail, in section 3; amend section 2d, so that persons may shoot or destroy wild turkeys in protection of their crops; in section 1st, strike out January and insert February, and strike out all that part of the bill that gives the informant any part of the fines.

Which was not agreed to.

Mr. Larue submitted the following amendment to the instructions, viz:

Insert at the proper place, where the bill provides that possession of game mentioned, shall be *prima facie* evidence of guilt, these words, "except upon the lands of the person having such game in his possession."

Which was agreed to.

Mr. Boyd moved that the bill and pending instructions be indefinitely postponed.

The ayes and noes were demanded by Messrs. McDonald of Lake and Studabaker.

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Austin, Bethell, Boyd, Branson, Carnahan, Clapp, Clark, Conner of Wabash, Conduitt, Crowe, Davis of Hendricks, Dobbins, Early, Gordon, Herod, Humphreys, Massey, Mar-



vin, Moore, McDaniel, McFarland, McGinnis, McKinney, Reyman, Robbins, Shoulders, Slicer, Studabaker, Taggart, Williams of Knox, Yater, and Mr. Speaker—34.

*Those who voted in the negative were,*

Messrs. Ayres, Ballenger, Blake, Bowman, Branham, Brown, Bryan, Conner of Hamilton, Crawford, Cullen, Davis of Sullivan, Douglass, Edson, Grose, Hawkins, Hoagland, Hutchings, Kerr, Lane, Larue, Lewis, Mercer, Merrifield, Moon, McDonald of Lake, Neal, Neff, Price, Ricketts, Sherrod, Shuman, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Stone, Todd, Vawter, Wallace, Ward, Whitcomb, Wiley, Williams of Lagrange, Williamson, and Wright—46.

So the bill was not indefinitely postponed.

The question being on recommitting the bill with instructions, It was agreed to.

The Speaker appointed Messrs. Davis of Sullivan, Walpole and Williams of Lagrange, said committee.

By unanimous consent,

On motion by Mr. Marvin,

*Resolved,* That the committee on elections be authorized to issue writs of attachment for witnesses, who having been served with subpoenas, have refused to attend before said committee.

On motion by Mr. Marvin,

The House adjourned.

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2 O'CLOCK, P. M.

The House met.

Mr. Schermerhorn, from a joint select committee, made the following report:

MR. SPEAKER :

The joint committee appointed in pursuance of House resolu-

tion No. 52, which reads as follows, "that a committee of three on the part of this House, be appointed to act with a like committee on the part of the Senate, to examine into the securities of the various free banks of the State of Indiana, and that the Senate be informed of the passage of this resolution," which resolution was concurred in by the Senate, would beg leave, respectfully, to submit the following report :

Hon. BALLARD SMITH,

*Speaker of the House of Representatives :*

The committee appointed on the part of the House of Representatives, in conjunction with a similar committee on behalf of the Senate, in pursuance of House resolution No. 52, to examine into the securities of the various free banks of the State of Indiana, so far as the same are connected with the office of Auditor and Treasurer of State, beg leave to submit the following report :

In this exhibit will be found statements of the gross amounts of the securities on deposit, with their par and market value, and the amounts of circulation outstanding on the same.

The following securities of twenty-three banks remaining under the general banking law, approved and passed May 28th, 1852, have been carefully examined and found to be as follows :

	Amount.	Market Value.
Indiana 5 per cent. bonds . . . . .	\$265,000	35c \$225,250
Indiana 2½ . . . . .	99,372	55c 54,654
Virginia 6 . . . . .	90,500	93c 84,165
Louisiana 6 . . . . .	112,000	93c 104,160
Tennessee 5 . . . . .	9,000	85c 7,650
Tennessee 6 . . . . .	3,000	92c 2,760
Missouri 6 . . . . .	100,000	90c 90,000
Georgia 6 . . . . .	20,600	97c 19,400
Georgia 7 . . . . .	42,500	par 42,500
Kentucky 6 . . . . .	13,000	par 13,000
North Carolina 6 . . . . .	2,000	95c 1,900
Total . . . . .	<u>\$755,372</u>	<u>\$645,439</u>
Circulation outstanding on the above securities . . . . .		<u>657,383</u>
Present value of securities less than the circulation . . . . .		\$11,944
Add to this the circulation of the Gramercy bank, at Lafayette . . . . .	\$31,383	
And the circulation of the Shawnee bank, at Attica, (for which there are no securities,) . . . . .	<u>21,171</u>	52,554
Making an excess of circulation in the market value of the securities held in trust for the banks, under said law of 1852 . . . . .		64,498

It may be seen, by reference to section 48 of the amended law, approved March 3d, 1855, that those banks organized under the provisions of the general banking law of 1852, have until the first day of March, 1857, to wind up, or accept the provisions of the amended act of March 3d, 1855.

By the provisions of the general banking law of 1852, the banks were allowed a circulation equal to the par value of their bonds; but under a requisition of auditor Talbott, many of those have either returned a portion of their circulation, or deposited additional securities.

There appears to be a discrepancy in the accounts of the Savings bank, at Connersville. The report of the joint committee to investigate the condition of the free banks in 1855, shows the circulation of this bank to be only (4,000) four thousand dollars, and but four thousand dollars of bonds on deposit. As auditor Talbott adopted this report of the joint committee as his basis of accounts with all the banks, he, of course, charged this bank with but 4,000 dollars of circulation, and credited it with 4,000 dollars of bonds. It appears, however, on further examination, that there were 5,000 dollars of bonds belonging to said bank, and that the July, 1855, semi-annual report of said bank shows that it had received from auditor Dunn 7,000 dollars of circulation. The interest on the 5,000 dollars of bonds have been retained since July, 1855, making an additional security of over 600 dollars. In this report we have taken the accounts as found on auditor Talbott's books.

The accounts with the bank of Warsaw show the circulation outstanding to be 14,817 dollars. The owners of this bank have withdrawn their bonds and deposited with the auditor an amount in gold sufficient to redeem their entire outstanding circulation.

The following statement shows the condition of the sixteen banks that were either organized under the amended law of 1855, or have since complied with its provisions:

Total amount of bonds at par value.....	\$1,506,144
Total amount of bonds at market value.....	1,231,797
Total amount of circulation entitled to under the provisions of the amended act... ..	1,119,822
Circulation issued.. ..	1,089,602
Showing an excess of securities over their market value, after deducting one eleventh .. ..	30,220

Section 6, of the amended act of March, 1855, provides that the auditor shall be allowed to issue 100 dollars of circulation only, for every 110 dollars of bonds at their market value. In addition to the above securities, sections 5th and 25th, of the above act, reads as follows:

SEC. 5. Whenever any person, or association of persons, formed for the purpose of banking under this act, shall legally transfer to the auditor any portion of the stocks or bonds hereinafter specified, such person or association of persons, shall be entitled to receive from the auditor an equal amount of such circulating notes, of different denominations, registered and countersigned as aforesaid, to be issued by them in the regular course of banking business, as money.

SEC. 25. Such stockholder of any such association shall be liable, in his individual capacity, for any contract, debt, or engagement of such association, to an amount over and above his stock equal to the amount of his shares of such stock.

On a careful examination of the books and securities in possession of the Auditor and Treasurer of State, we are of the opinion that the last named sixteen banks are in a safe and healthy condition.

On motion by Mr. Schermerhorn,

The communication and report were laid on the table, and two thousand copies ordered to be printed.

#### HOUSE BILLS ON THIRD READING.

No. 138. A bill to authorize the issuing of executions in certain cases.

Was read a third time,

On motion by Mr. Claypool,

The bill was re-committed to the judiciary committee, with the following instructions:

With instructions to so amend the bill as to prevent its affecting appeals taken before the passage of the bill, if in the opinion of the committee such an amendment be necessary.

No. 143. A bill to amend section 2, of chapter 72, of the revised statutes of 1852, of an act, entitled "an act touching the qualifications of officers of municipal incorporations, and also the qualifications of electors at municipal elections, and repealing all laws inconsistent with this act," approved June 10, 1852, so as to require a residence of ten days in the ward or district where an elector may offer to vote.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan,

Carnahan, Conner of Hamilton, Conner of Wabash, Crowe, Davis of Hendricks, Davis of Sullivan, Denby, Early, Edson, Evans, Gordon, Hawkins, Hayden, Herod, Hoagland, Humphreys, Hutchings, Landiss, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merri-field, Moon, Moore, McDonald of Lake, McKinney, Neal, Neff, Price, Reyman, Ricketts, Robbins, Shoulders, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stone, Studabaker, Taggart, Trippet, Van Sandt, Vawter, Walpole, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Wright, Yater, and Mr. Speaker—71.

*Those who voted in the negative were,*

Messrs. Douglass and Schermerhorn—2.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 149. A bill to amend "an act in relation to the taxation of lands in towns and cities," approved June 15, 1852.

Was read a third time,

Mr. Walpole moved to re-commit the bill to the committee on ways and means, with the following instructions, "to enquire into the expediency and constitutionality of the act."

Which was agreed to.

#### JOINT RESOLUTIONS ON SECOND READING.

No. 8. A joint resolution in regard to the disposal of the funds in the hands of the sinking fund commissioners.

Was read a second time,

And,

On motion by Mr. Blake,

Referred to the committee on the sinking fund.

#### HOUSE BILLS ON SECOND READING.

No. 157. A bill to amend the 358th section of an act to revise, simplify and abridge the rules, practice, pleadings and forms, in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852.

Was read a second time,

And,

On motion by Mr. Studabaker,

Referred to the committee on the judiciary.

No. 158. A bill to authorize any party, against whom a judgment may have been heretofore rendered, on demurrer, in any circuit court or court of common pleas of this State, to except to such judgment, and have his exceptions entered of record, and the judgment reviewed in the supreme court, in like manner as if such exception had been taken and entered of record at the time of the rendition of the judgment.

Was read a second time,

And,

On motion by Mr. Walpole,

Referred to the committee on the judiciary.

No. 159. A bill making prosecuting witnesses, and other persons, liable for costs in certain State prosecutions.

Was read a second time,

And,

On motion by Mr. Claypool,

Referred to the committee on the judiciary.

No. 9. A joint resolution in regard to the election of chaplains to Congress.

Was read a second time.

On motion by Mr. Davis of Sullivan,

The joint resolution was laid on the table.

No. 160. A bill to provide for the support of the indigent blind, and other infirm persons.

Was read a second time, and ordered to be engrossed.

No. 161. A bill to regulate voting by the stockholders of monied corporations.

Was read a second time,

And,

On motion by Mr. Humphreys,

Referred to the committee on corporations.

By unanimous consent,

Mr. Kerr introduced,

House bill No. 186. A bill to amend the second section of an act, entitled "an act prescribing the duties, and fixing the compensation of State Agent," approved June 17, 1852.

Was read a first time.

Mr. Kerr moved to suspend the rule, and read the bill a second time now.

The ayes and noes were taken under the constitution.



*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Austin, Ballenger, Bethell, Blake, Bowman, Boyd, Brown, Bryan, Carnahan, Clapp, Clark, Colgrove, Conner of Hamilton, Conner of Wabash, Crowe, Davis of Hendricks, Davis of Sullivan, Douglass, Early, Edson, Evans, Gordon, Hawkins, Hayden, Hoagland, Hutchings, Kerr, Landiss, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Moon, Moore, McDaniel, McDonald of Lake, McKinney, Neal, Neff, Price, Reymann, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Stone, Studabaker, Todd, Trippet, Vawter, Wallace, Walpole, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Wright, Yater, and Mr. Speaker—72.

Mr. Branson voted in the negative.

So the rule was suspended, and the bill read a second time.

On motion by Mr. Kerr,  
The bill was referred to the judiciary committee.

No. 162. A bill for the creation of township election of trustee, duties of trustee, and mode of assessing township tax, and doing township business.

Was read a second time,

And,

On motion by Mr. Boyd,  
Referred to the committee on county and township business.

No. 163. A bill to amend section 22 of an act, entitled "an act regulating general elections, and prescribing the duties of officers in relation thereto," approved June 7, 1852.

Was read a second time,

And,

On motion by Mr. Neff,  
Referred to the committee on elections.

No. 164. A bill to exempt from taxation private property and buildings, used exclusively for educational purposes.

Was read a second time,

And,

On motion by Mr. Williams of Lagrange,  
Referred to the committee on education.

No. 148. A bill to amend the 1st section of an act, entitled "an act concerning licenses to vend foreign merchandize, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show, and legerdemain," approved June 15, 1852, and for the encouragement of agriculture.

Was read a third time.

Mr. Marvin moved to recommit the bill to the committee on agriculture, with the following instructions:

Recommit to the committee on agriculture, strike out section 2d, and insert the following: "The money arising from the exhibitions mentioned in the foregoing section, shall go to defray the current expenses of the counties in which it may be collected."

Mr. Walpole moved to amend the instructions as follows:

"All actions now pending under the provisions of this act, to which this is an amendment, may be prosecuted under the provisions of the law in force, at the time this act took effect."

Which was accepted,

When,

On motion by Mr. Studabaker,

The bill and pending amendments were laid on the table.

No. 166. A bill to legalize the acts of the board of trustees of the town of Mishawaka.

Was read a second time,

And,

Ordered to be engrossed.

No. 168. A bill to reorganize the fifth, ninth, tenth, eleventh and twelfth judicial circuits, and to fix the time of holding circuit courts therein.

Was read a second time,

And,

On motion by Mr. McDonald of Lake,

Referred to the same select committee of one from each judicial circuit heretofore appointed on that subject.

No. 169. A bill to amend an act, entitled an act to provide for the erection and repair of bridges, and to repeal an act, entitled an act to provide for the erection and repair of bridges, approved March 3, 1855.

Was read a second time,

And,

On motion by Mr. Wallace,

Referred to the committee on roads.

No. 170. A bill to amend section 1st of an act, entitled an act for the regulation of weights and measures, approved February 28, 1855.

Was read a second time,

And,

On motion by Mr. Sloss,

Referred to the committee on agriculture.

No. 171. A bill to amend section 6 of an act, entitled an act touching the laying out and vacating towns, streets, alleys, public

squares and grounds, or any part thereof, the making out and recording of plats of such towns, and providing for the change of the names of such towns.

Was read a second time, and ordered to be engrossed.

On motion by Mr. Kerr,

Mr. Gordon was added to the committee on the affairs of the town of Clarksville.

No. 172. A bill to regulate and determine the fees of judges in writs of habeas corpus injunctions, and restraining orders in the vacation of courts.

Was read a second time,

And,

On motion by Mr. Stillwell,

Referred to the committee on fees and salaries.

No. 173. A bill to authorize the Auditor of State to sell the houses, brick, and materials now on the Governor's circle, and requiring the purchaser to remove the same.

Was read a second time,

And,

On motion by Mr. Marvin,

Referred to the committee on the affairs of the town of Indianapolis.

No. 174. A bill to amend an act, entitled an act providing for the election or appointment of supervisors of highways, and prescribing certain duties, and those of county and township officers in relation thereto, approved June 18, 1852.

Was read a second time,

And,

On motion by Mr. Wright,

Referred to the committee on roads.

#### HOUSE BILLS ON THIRD READING.

No. 21. A bill to provide for the appraisement of real estate in the State of Indiana, and to make such appraisement uniform throughout the State.

Was read a third time.

On motion by Mr. Williams of Knox,

The vote taken ordering the bill to be engrossed, was reconsidered.

Mr. Herod submitted the following amendment :

Amend 1st section by striking out in 2d line of printed bill, the words "in conjunction with the county auditor."

Which was not agreed to.

Mr. Williams of Knox submitted the following amendment:

First section, 2d line, after the word auditor, insert the word treasurer.

Which was not agreed to.

Mr. Taggart submitted the following amendment:

Strike out in first section the word "county," and insert the word "township;" strike out the word "assistants."

Which was not agreed to.

Mr. Neal submitted the following amendment:

*First.* Amend section 1st by changing the number one, to three appraisers.

*Second.* Strike out assistants whenever it occurs in the bill.

*Third.* Strike out fifty cents when it occurs in the 15th section.

Which was not agreed to.

Mr. Hayden submitted the following amendment to the amendment:

Strike out the whole section, and insert the following:

SEC. 1. That the county auditors, of each and every county in the State, shall, immediately after the passage of this act, appoint a suitable and competent person, in each township in their respective counties, whose duty it shall be to make out a fair and just appraisement of the real estate in the township in which he is appointed.

Which was not agreed to.

Mr. Carnahan submitted the following amendment:

Strike out, wherever it occurs, 1857, and insert 1858.

Which was not agreed to.

On motion by Mr. Humphreys,

The vote taken to reconsider the vote ordering the bill to be engrossed, was rescinded.

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Austin, Blake, Boyd, Brown, Clapp, Claypool, Colgrove, Conner of Hamilton, Crawford, Crowe, Davis of Sullivan, Denby, Douglass, Edson, Evans, Gordon, Hawkins, Herod, Hoagland, Humphreys, Hutchings, Kerr, Landiss, Lane, Larue, Lewis, Massey, Merifield, Moon, McDaniel, McDonald of Lake,

Neal, Neff, Price, Ricketts, Schermerhorn, Sherrod, Sloss, Smith of Bartholomew, Steele, Stone, Studabaker, Van Sandt, Vawter, Wallace, Whitcomb, Williams of Knox, Williams of Lagrange, Williamson, Yater, and Mr. Speaker—52.

*Those who voted in the negative were,*

Messrs. Allen, Bethell, Branson, Bryan, Carnahan, Clark, Conner of Wabash, Davis of Hendricks, Early, Hayden, Marvin, Mercer, Moore, McKinney, Reymann, Robbins, Shoulders, Slicer, Taggart, Todd, Trippet, Walpole, Ward, Wiley, and Wright—25.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Marvin, chairman of the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined and compared engrossed bills, Nos. 129, 80, 165, 48, 88, 99, 117, and joint resolution No. 1, with the original, and find them correctly engrossed.

Mr. Marvin, chairman of the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills, have examined bills 21, 23, and 154, and find the same correctly engrossed.

A message from the Senate by Mr. Harvey, their Secretary:

MR. SPEAKER:

I am directed, by the Senate, to inform the House of Representatives, that the Senate have concurred in the following resolution of the House, viz:

*Resolved*, The Senate concurring, that 5,000 copies of the annual report of the commissioners and superintendent of the Indiana hospital for the insane, be printed, 2,000 for the use of the legislature, and 3,000 to be placed in the hands of the superintendent, for the use of said institution.

On motion by Mr. Kerr,  
The House adjourned.

SATURDAY MORNING, 9 o'CLOCK, }  
February 7th, 1857. }

House met.

The journal was read and adopted.

PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Ballenger.

A memorial signed by sundry citizens of Henry county, relative to temperance.

Which,

On motion,

Was referred to the committee on temperance.

By Mr. Larue,

A petition relative the repeal of all laws conferring civil jurisdiction on justices of the peace.

Which,

On motion,

Was referred to the committee on the judiciary.

REPORTS FROM COMMITTEES.

Mr. Kerr, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred a resolution, directing an enquiry into the expediency of amending sec. 133, page 279, of 2d vol., revised statutes, &c., have had the same under consideration, and directed me to report the accompanying bill, and recommend its passage.

No. 187. A bill to amend section 123 of an act, entitled an act for the settlement of decedents' estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement, approved June 17th, 1852.

Which was read a first time, and passed to a second reading.

Mr. Williams of Knox, from the committee on engrossed bills, made the following report :



**MR. SPEAKER :**

The committee on engrossed bills have examined engrossed bill of the House No. 160, and compared the same with the original copy thereof, and find that the same has been correctly engrossed.

Mr. Marvin, chairman of the committee on engrossed bills, made the following report:

**MR. SPEAKER :**

The committee on engrossed bills, have examined House bills Nos. 166 and 171, and find them correctly engrossed.

Mr. Kerr, from the committee on the judiciary, made the following report :

**MR. SPEAKER :**

The judiciary committee, to whom was referred House bill No. 186, entitled a bill to amend the 2d section of an act, entitled an act prescribing the duties and fixing the compensation of State Agent, approved June 17th, 1852, have had the same under consideration, and instruct me to report the same back to this House, and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Claypool, from the committee on the judiciary, made the following report:

**MR. SPEAKER :**

The judiciary committee, to whom was referred a resolution in relation to amending sec. 24, of chap. 23, of the revised statutes of 1852, so as to enable a married woman to join in a deed of conveyance to her husband's real property, by making affidavit, &c., have had the same under consideration, and directed me to report that, in the opinion of the committee, legislation on the subject would be inexpedient.

Which report was concurred in.

Mr. Blake, from the committee on the judiciary, made the following report:

**MR. SPEAKER :**

The judiciary committee, to whom was referred a resolution directing an enquiry into the expediency of authorizing the Attorney General, to institute a suit against the Auditor of State, to prevent a loss to the State in consequence of the unlawful withdrawal of

bonds from his office, have had the same under consideration, and directed me to report, that in the opinion of the committee, no legislation is necessary on the subject, full provision for the commencement of suits by the Attorney General, being made by sec. 4, of chapter 3, of the laws of 1855, which reads as follows: "Such Attorney General shall prosecute and defend all suits that may be instituted by or against the State of Indiana, the prosecuting or defending of which is not already provided by law, whenever notified ten days of the pendency thereof by the clerk of the court in which such suits are pending, and whenever required by the Governor, or a majority of the officers of the State, in writing, to be furnished him within a reasonable time, for the purposes therein contemplated."

Which report was concurred in.

Mr. Conner of Hamilton, from the committee on the judiciary, made the following report:

MR. SPEAKER :

The judiciary committee, to whom was referred a resolution as to the number of men to be summoned upon coroner's juries, have had the same under consideration, and instructed me to report the accompanying bill, and recommend its passage:

No. 188. A bill to amend the 4th section of an act, entitled "an act prescribing the powers and duties of coroners," approved May 27, 1852.

Which was read a first time, and passed to a second reading.

Mr. Conner of Hamilton, from the committee on the judiciary, made the following report:

MR. SPEAKER :

The committee on the judiciary, to whom was referred a resolution directing an enquiry into the "expediency of making an appropriation for the purpose of purchasing an additional library for the supreme court," have had the same under consideration, and directed me to report, that in the opinion of the committee, it would not be expedient to make such appropriation.

Which report was concurred in.

Mr. Blake, from the committee on the judiciary, made the following report:

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 103, requiring clerks of circuit courts to keep a public record of

moneys paid to them, &c., have had the same under consideration, and directed me to report the same back, and recommend its reference to the committee on fees and salaries.

Which report was concurred in.

Mr. Conner of Wabash, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred a resolution directing an enquiry into the expediency of amending the law upon the subject of executions, so as to clear up the contradictions as to levy and sale of partnership property for the undivided indebtedness of partners, have had the same under consideration, and directed me to report, that they deem legislation on the subject unnecessary.

Which report was concurred in.

Mr. Conner of Wabash, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred a resolution directing an enquiry into "the constitutional power of the General Assembly, so to amend the existing law in reference to the manner of the distribution of the school fund raised by taxation, as to distribute to each county the amount of school tax collected therefrom," have had the same under consideration, and directed me to report, as their opinion, that the General Assembly has no such power.

*Resolved*, That the committee on the judiciary be instructed to enquire into the constitutional power of the General Assembly, so to amend the existing law in reference to the manner of the distribution of the school fund raised by taxation, as to distribute to each county the amount of school tax collected therefrom.

On motion by Mr. Davis of Sullivan,  
The report was laid on the table.

Mr. Herod, chairman of the committee on roads, made the following report:

MR. SPEAKER:

The committee on roads, to whom was referred a resolution of enquiry as to the expediency of extending the provisions of an act authorizing the construction of plank, McAdamized, and gra-

vel roads, to tram roads, have had the same under consideration, and directed me to report the following bill, and recommend its passage:

No. 189. A bill extending the provisions of chapter 80, revised statutes of 1852, being "an act authorizing the construction of plank, McAdamized, and gravel roads," and the provisions of chapter 75, of the acts of 1855, being "an act in relation to plank, McAdamized, tram and gravel road companies, to tram road companies."

Which was read a first time, and passed to a second reading.

Mr. Herod, chairman of the committee on roads, made the following report :

MR. SPEAKER :

The committee on roads, to whom was referred the annexed resolution of the House, have had the same under consideration, and directed me to report, that, in their opinion, further legislation on the subject is inexpedient.

*Resolved*, That the committee on roads be requested to examine into the expediency of so amending the 31st section of an act, entitled "an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers, in relation thereto, so as to extend the time for labor on the highway, from the 15th of Sep. to the 1st of Nov., of each year.

Which report was concurred in.

Mr. Herod, chairman of the committee on roads, made the following report :

MR. SPEAKER :

The committee on roads, to whom was referred House bill No 174, a bill to amend an act, entitled "an act providing for the election or appointment of supervisors of highways, and prescribing certain duties," &c., have had the same under consideration, and have directed me to report back the same, and recommend its indefinite postponement.

The question being on concurring in the report,

It was not agreed to.

The bill was then ordered to be engrossed.

Mr. Herod, chairman of the committee on roads, made the following report :

MR. SPEAKER :

The committee on roads, to whom was referred House bill No. 169, have had the same under consideration, and directed me to report the same back, and recommend its passage.

No. 169. A bill to amend an act, entitled "an act to provide for the erection and repair of bridges," and to repeal an act, entitled "an act to provide for the erection and repair of bridges," approved March 3, 1855.

The bill was ordered to be engrossed.

Mr. Stillwell, chairman of the committee on fees and salaries, made the following report :

MR. SPEAKER :

The committee on fees and salaries, to whom was referred House bill No. 153, a bill regulating the fees of officers, and repealing former acts in relation thereto, approved March 2, 1855, have had the same under consideration, and direct me to report the same back, and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Blake, chairman of the committee on the organization of courts of justice, made the following report :

MR. SPEAKER :

The committee on organization of courts, to whom was referred House bill No. 152, entitled a bill to fix the time for holding the circuit courts in the first judicial circuit, and repealing all laws in conflict therewith, have had the same under consideration, and instruct me to report the same back to this House, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Conner of Wabash, from a select committee made the following report :

MR. SPEAKER :

The select committee, to whom was referred a resolution, making it the duty of said committee to enquire into, and ascertain, and report to this House, the number of persons employed by authority of this House, or otherwise engaged in the service of this House, or in the service of any of the committees thereof, as clerks, assistant clerks, sergeant-at-arms, assistants, and messen-

gers, or otherwise ; also, the kind of service rendered by each, and whether the service rendered by any such person or persons, may be dispensed with, consistent with the proper transaction of the business of this House, have had the same under consideration, and have directed me to report the information, that said committee has obtained, which is as follows :

That Wm. R. Bowes, principal clerk, has eight assistants. Mr. Bowes, in his report to this committee, says : " I appointed six permanent assistants, and distributed them as follows : Mr. Campbell, at the clerk's desk ; Mr. Hicks and Mr. Nixon, engrossing clerks ; for the assistant clerks, Messrs. Roberts, Barner, and Alden ; also, an additional assistant, who is occupied in assisting the assistant clerk, in making the journal and miscellaneous duties of the House. I would further report, that I have an assistant reading clerk, which place was filled by Mr. Sites, now occupied by Mr. Turman, Mr. Sites having discontinued his services."

Mr. S. Akers, doorkeeper, furnishes the following information :

" Number and names of assistant doorkeepers. G. W. Randall, sergeant-at-arms ; two firemen, John Bledscoe and James M. Emmons ; Addison M. Elkins, brings stationery ; two in the stationery room, James P. Tyler and R. S. Boston ; S. H. Neil, draws coal ; two to attend committees, David W. Shook and J. H. Homer."

This committee has no official report from the committee on elections, but the chairman of that committee has informed this committee, that they have one clerk, Dr. Graff.

This committee has no report from the committee on the judiciary, but is informed, that they have one clerk, Mr. McCollum, and one doorkeeper.

The committee on banks have one clerk, Mr. Banks.

The committee on education have one clerk, Richard Ryan.

The committee on swamp lands have one clerk, Dr. O. Everts.

The committee on corporations have one clerk, David S. Lyons, Esquire.

The committee on the affairs of the State prison, have had a special clerk, to prepare one bill only.

The following committees have reported that they have no clerks, or others, in their employ :

The committee on claims.

The committee on engrossed bills.

The committee on public expenditures.

The committee on rights and privileges.

The committee on enrolled bills.

The committee on manufactures and commerce.

The committee on benevolent and scientific institutions.

The committee on canals and internal improvements.

The committee on accounts and mileage.

The above statement contains all the information in the possession of this committee, a part of which was not obtained till the 6th instant.



I am further directed to report said resolution back to the House, with the above information, and respectfully ask leave to submit to the House, whether the services of any such person or persons, so employed, may be dispensed with, in the proper transaction of the business of this House, and ask to be discharged from the further consideration of this subject.

Which,

On motion by Mr. Davis of Sullivan,  
Was laid on the table.

The Speaker laid before the House the following communication and report, from the Treasurer of State:

OFFICE OF TREASURER OF STATE, }  
INDIANAPOLIS, Feb. 7, 1857. }

HON. BALLARD SMITH,

*Speaker of the House of Representatives :*

DEAR SIR:—Please lay before the House the enclosed answer to House resolution of yesterday.

W. R. NOFSINGER,  
*Treasurer of State.*

OFFICE OF TREASURER OF STATE, }  
Indianapolis, February 7th, 1857. }

*To the House of Representatives :*

On yesterday afternoon the following resolution. adopted by the House, was handed to me, to-wit :

*Resolved*, That the Treasurer of State be requested to furnish this House forthwith with the following information :

1st. If there remains in his office any protested drafts belonging to the State?

2d. What is the amount of such drafts?

3d. By whom were such drafts drawn?

4th. By whom endorsed, and the date thereof?

5th. The cause why such drafts were protested?

6th. Whether any efforts have been made to collect such protested drafts, and all other information necessary to a full understanding of the subject?

There were two protested bills of exchange in this office, which were drawn and endorsed by Michael G. Bright and James P. Drake, and accepted by A. May, both making \$39,963. In order to answer the above interrogatories fully, I will give as correct a statement of the matter as I can. In the fall of 1855, I purchased several bills of exchange on New York, of General A. May.

The object of these bills was to meet January interest, which has to be paid in the city of New York. General May was not only proprietor of a specie paying free bank in this city at the time, but was known to be in possession of a large amount of valuable property, both real and personal, and enjoying the reputation of an honest man; besides these bills were all endorsed by men of undoubted character, and large property holders. Michael G. Bright, James P. Drake, and Jesse D. Bright were the endorsers on these bills. General May had purchased, as I was aware, about \$100,000 worth of beef cattle, which he assured me would go into New York market, at farthest, about the 1st December, when he would have a large amount of eastern exchange, but gave me every assurance that the bills I purchased would be promptly met, if he lost every dollar's worth of his beef, and that he was worth \$150,000, after paying all his debts. But about the last of November his creditors became alarmed, and made a general rush upon him. He immediately conveyed his property into the hands of Michael G. Bright and James P. Drake. He failed to get his beef into market in time, and when it did reach the market he did not realize enough to pay the advances he had obtained upon it. The bills were not met, and for a large portion of it, I had to resort to a temporary loan, on my individual account. Mr. May and his indorsers, except Hon. Jesse D. Bright, who was at Washington City, at the time, substituted two new bill for the old ones, at Corn Exchange bank, New York City, in June, 1856. The parties seemed to feel confident that they could sell property enough to pay these bills by that time, but the cattle which they intended to put into market for this purpose, were not put into suitable order to sell for much over half price, and they were not sent east, consequently the bills went to protest. If there had been no prior liens upon the property conveyed by May to Bright and Drake, the most or all of these bills would have been paid by this time. But thus far, it has required the larger amount of proceeds resulting from sales, to clear the property from previous incumbrances. But I learn from the parties that these liens are nearly all paid off, and that in future the assets arising from sales, will be exclusively applied to the payment of these bills of exchange. I regard the ultimate payment of these bills as certain; the parties have ample means in their hands to do it, and all they need is time to convert property into cash. I will here state, that it is the duty of the Treasurer of State to buy annually nearly \$400,000 of eastern exchange, and it is impossible when you purchased a bill, to tell positively whether it will be paid or protested; all you can judge from is the character and responsibility of the parties of whom you buy it. During the spring and summer of 1855, I bought of Gen'l May a number of bills, amounting in all to some \$40 or \$50,000, all of which were promptly paid, and I had the same reason to believe, and felt perfectly confident, that the bills bought of him in the fall following would be met in the same way. It will be remembered

that the branches of the State bank, as a general thing refused to take free bank paper on deposit, or sell exchange for this kind of money, and as a large portion of the revenue, and from some counties all of the revenue received was of free bank currency, I was forced to deposit in free banks, and also to buy my exchange chiefly from them, but with the exception of Gen'l May's bank, which lead to the purchase of exchange from him, I have not the slightest difficulty with any free bank in the State; they always promptly paid my drafts upon them.

When I came into office, I receipted to Dr. Newland, my predecessor, as cash at par for nearly \$7,000 of uncurrent money, also deposits on three broken banks, several time bills of exchange, one of which was protested, besides every thing in his schedule, without one word of objection, believing that he had acted prudently, and had the funds of the office in as good condition as perhaps any other person could have had them, and I am confident that the funds of the office are as secure now as they were when I came into the office; of this, the legislature will be better prepared to judge, when the committee examine the books and schedules which I am preparing. All I ask is, that my successor receipt for the funds and securities in the office just as they are.

Very respectfully, yours,

W. R. NOFSINGER,

*Treasurer of State.*

Which,

On motion by Mr. Davis of Sullivan,

Was referred to the committee on ways and means.

Mr. Davis of Sullivan offered the following resolution:

*Resolved*, The Senate concurring, that the General Assembly will proceed on Tuesday next, at 2 o'clock, P. M., to the election of an Agent of State, Canal Trustee, State Printer, and State Librarian, and that no other business shall be transacted in the joint convention herein provided for, except the election of the officers named in this resolution.

Mr. Grose moved to lay the resolution on the table.

The ayes and noes were demanded by Messrs. Grose and Gordon.

*Those who voted in the affirmative were,*

Messrs. Austin, Branham, Conner of Wabash, Crawford, Larue, Steele, and Vawter—7.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Allen, Bethell, Blake, Bowman, Branson, Brown, Bryan, Carnahan, Clark, Claypool, Conduitt, Cullen, Davis

of Sullivan, Denby, Dobbins, Douglass, Duncan, Edson, Evans, Herod, Hoagland, Humphreys, Kerr, Landiss, Massey, Marvin, Moore, McDaniel, McFarland, McKinney, Neff, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Stillwell, Taggart, Trippet, Wallace, Walpole, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Yater, and Mr. Speaker.—51.

No quorum voting.

Mr. Marvin moved a call of the House.

The clerk proceeded with the call, when the following members answered to their names:

Messrs. Abel, Adams, Allen, Austin, Ballenger, Batterton, Bethell, Flake, Bowman, Branson, Brown, Bryan, Carnahan, Clark, Claypool, Colgrove, Conner of Hamilton, Conduitt, Crawford, Cullen, Davis of Sullivan, Denty, Dobbins, Douglass, Duncan, Edson, Evans, Gordon, Grose, Hawkins, Hayden, Herod, Hoagland, Humphreys, Hutchings, Kerr, Landiss, Larue, Massey, Marvin, Mercer, Merrifield, Moore, McDaniel, McDonald of Lake, McFarland, McKinney, Neal, Neff Price, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Stone, Taggart, Todd, Trippet, Van Sandt, Vawter, Wallace, Walpole, Ward, Whitecomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Wright, Yater, and Mr. Speaker—79.

On motion,

The further call of the House was suspended.

The question recurring on laying the resolution on the table.

The ayes and noes were demanded by Messrs. Grose and Steele.

*Those who voted in the affirmative were,*

Messrs. Austin, Batterton, Grose, Hayden, Steele, Ward, and Whitecomb.—7.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Allen, Blake, Bowman, Branson, Brown, Bryan, Carnahan, Clark, Claypool, Conduitt, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Edson, Evans, Herod, Hoagland, Humphreys, Kerr, Landiss, Massey, Marvin, Moore, McDaniel, McFarland, McKinney, Neff, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Still-

well, Taggart, Trippet, Wallace, Walpole, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Yater, and Mr. Speaker.—50.

No quorum voted.

Mr. Marvin moved a call of the House.

The clerk proceeded with the call, when the following members answered to their names:

Messrs. Abel, Adams, Allen, Austin, Ballenger, Batterton, Bethell, Blake, Bowman, Brown, Bryan, Carnahan, Clark, Claypool, Colgrove, Conner of Hamilton, Conduitt, Crawford, Cullen, Davis of Hendricks, Davis of Sullivan, Dobbins, Douglass, Duncan, Edson, Evans, Gordon, Grose, Hawkins, Hayden, Herod, Hoagland, Humphreys, Hutchings, Kerr, Landiss, Larue, Massey, Marvin, Merrifield, Moore, McDaniel, McDonald of Lake, McFarland, McKinney, Neff, Price, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Stone, Taggart, Trippet, Van Sandt, Wallace, Walpole, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Wright, Williamson, Yater, and Mr. Speaker.—74.

Mr. Grose withdrew his motion to lay the resolution on the table, and moved that it be indefinitely postponed.

Which was not agreed to.

Mr. McDonald of Lake, moved to lay the resolution on the table.

The ayes and noes were demanded by Messrs. McDonald of Lake and Grose.

*Those who voted in the affirmative were,*

Messrs. Hayden, Mercer, Steele, and Ward—4.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Allen, Bethell, Blake, Bowman, Branson, Brown, Bryan, Carnahan, Clark, Claypool, Conduitt, Cullen, Davis of Sullivan, Dobbins, Douglass, Duncan, Edson, Evans, Herod, Hoagland, Humphreys, Kerr, Landiss, Massey, Marvin, Moore, McDaniel, McFarland, McKinney, Neff, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew,

Stillwell, Taggart, Trippet, Wallace, Walpole, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker—49.

No quorum voted.

On motion by Mr. Humphreys,  
The House adjourned.

2 o'clock, P. M.

The House met.

The question pending at adjournment being, to lay the resolution offered by Mr. Davis of Sullivan on the table,

The ayes and noes were demanded by Messrs. Gordon and Hutchings.

*Those who voted in the affirmative were,*

Messrs. Hawkins, Larue, Steele, and Wright—4.

*Those who voted in the negative were,*

Messrs. Adams, Blake, Bowman, Branson, Colgrove, Carnahan, Dobbins, Douglass, Duncan, Edson, Evans, Humphreys, Kerr, Landiss, Massey, Marvin, Moore, McDaniel, McKinney, Neff, Shoulders, Smith of Bartholomew, Wallace, Wiley, Williams of Knox, Williamson, and Mr. Speaker—27.

On motion by Mr. Larue,  
The House adjourned.

MONDAY MORNING, 9 o'clock, }  
February 9th, 1857. }

The House met.

The journal was read and adopted.



The Speaker laid before the House the following communication and report, from the Auditor of State :

OFFICE OF AUDITOR OF STATE, {  
Indianapolis, Feb. 6th, 1857. }

HON. BALLARD SMITH,

*Speaker of the House of Representatives :*

SIR:—I have the honor to transmit herewith a reply to the House resolution of the 2d inst., which you will please lay before that body.

Very respectfully,

Your obedient servant,

JOHN W. DODD,  
*Auditor of State.*

OFFICE OF AUDITOR OF STATE, {  
INDIANAPOLIS, Feb. 6, 1857. }

HON. BALLARD SMITH,

*Speaker of the House of Representatives :*

SIR:—In reply to a resolution of the House, requesting information from this office, in regard to discrepancies in the Auditor's report of 1854 and 1856, in the number of acres of land reported as taxable, and their valuation, I have the honor to report, that from information furnished by my predecessor, and from an examination of the returns made by county auditors, it appears that the whole number of acres taxable, in 1856, was 21,277,220 22-100, and the valuation \$102,701,090, showing an increase in the number of acres, since 1854, of 813,803 22-100, and in the valuation of \$1,945,652, corresponding with the amount of land which has become taxable since that date.

The report of my predecessor was made from the returns actually in his office, from the several counties, but, by a misunderstanding between this office and the printer, a table of the counties not reported, estimated from the returns of former years, was inserted in the general statement, without being added to the footing at the bottom.

Very respectfully, your obedient servant,

JOHN W. DODD,  
*Auditor of State.*

OFFICE OF AUDITOR OF STATE, {  
INDIANAPOLIS, Feb. 6, 1857. }

HON. BALLARD SMITH,

*Speaker of the House of Representatives :*

SIR:—I have the honor to transmit all the information in the possession of this office, relating to the amount of taxes assessed

upon railroads in this State, and the amount distributed to the several counties interested, which is submitted, in reply to the resolution of the House, of the 30th ult.

Very respectfully, your obedient servant,

JOHN W. DODD,  
*Auditor of State.*

On motion by Mr. Williams of Knox,  
The report was laid on the table, and 200 copies ordered to be printed.

#### PETITION PRESENTED.

By Mr. Conner of Wabash,

A petition signed by F. M. Eagle, and others, in reference to interest on money loaned.

Which,

On motion by Mr. Conner of Wabash,  
Was laid on the table.

#### REPORTS FROM COMMITTEES.

Mr. Conner of Wabash, from the committee on the judiciary, made the following report:

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 58, being "an act fixing the salaries of prosecuting attorneys of the several judicial circuits," have had the same under consideration, and have directed me to report the same back to the House, and recommend that the same be referred to the committee on fees and salaries; and that they be instructed to embrace a provision, in the general bill they may report, upon the subject of fees and salaries, increasing the fees of such prosecuting attorneys.

The report was concurred in, and the bill so referred.

Mr. Conner of Wabash, from the committee on the judiciary, made the following report:

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 15, being a bill to amend the 358th section of an act to revise, simplify, and abridge the rules, practice, pleadings, and forms, in civil cases, in courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a

uniform mode of pleading and practice, without distinction between law and equity, have had the same under consideration, and direct me to report the same back to the House, and recommend that it be indefinitely postponed.

Which report was concurred in.

Mr. Sherrod, chairman of the committee on ways and means, made the following report :

MR. SPEAKER :

The committee on ways and means, to whom was referred House bill No. 113, " providing that land delinquent for taxes, be forfeited to the State, and made school lands, instead of being sold for taxes to speculators," have had the same under consideration, and deeming further legislation upon the subject inexpedient, direct me to report the bill back, and recommend that it be laid on the table.

Which report was concurred in, and the bill laid on the table.

Mr. Kerr, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred House bill No. 87, entitled " a bill to provide greater security for the funds of the State in the hands of the Agent of State," have had the same under consideration, and instruct me to report the same back to this House, with the following amendment :

Strike out all of said bill after the enacting clause, and insert the following, to-wit :

SEC. 1. That the Agent of State shall, on or before the first day of May next, transmit to the Auditor of State, a statement of all the outstanding bonds of the State of Indiana then in his possession, and the number of each and every bond that remains in his hands in blank ; such statement to be verified by his affidavit.

SEC. 2. The Auditor of State shall keep in his office a register of all the bonds of the State, and shall enter upon such register the number of each and every bond that remains in the hands of the Agent of State in blank, and of all the bonds that may heretofore be signed by such Auditor and transmitted to the Agent of State.

SEC. 3. The Agent of State shall, at the expiration of every month transmit to the Auditor of State, a report verified by his affidavit, of each and every bond issued by him, its number, date, amount, name of party to whom issued, and the purpose for which it is issued ; and the Auditor shall immediately enter upon his said register, that is to say, the full detailed description of each bond

opposite the number of the bond, and where such bond or bonds are issued for the purpose of taking up, or in lieu of any former bond or bonds, then the Auditor shall enter a memorandum upon the register of such former bond or bonds, showing the date and manner of such former cancellation; and the register of each bond shall also show the number and class of the bond or bonds for which it was issued.

SEC. 4. The Agent of State shall immediately after the semi-annual payment of interest on the bonds of the State, transmit to the Auditor of State, a detailed account of all his receipts and payments, with the coupons and other vouchers therefor, and a statement of the amount of money still remaining in his hands, and the Auditor shall immediately compare such account and vouchers, with the account of moneys transmitted to such Agent of State, and if any error appear, shall report the same to the Governor, who shall take immediate steps to correct the same.

SEC. 5. If the said Agent or Auditor of State, shall, for the period of fifteen days, neglect or refuse any duty required to be performed by him under the provisions of this act, then the office of such officer shall be deemed vacant, and the Governor shall immediately appoint his successor, and the officer so neglecting or refusing, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not less than one hundred dollars nor more than one thousand dollars, and it shall be the duty of the Attorney General, when informed of such neglect or refusal, immediately to cause prosecution to be commenced against such defaulting officer.

SEC. 6. Whereas, the laws now in force do not afford sufficient security to the interests of the State, entrusted to the Agent and Auditor of State, it is declared that an emergency exists requiring an immediate taking effect of this act; the same shall therefore be in force from and after its passage, and the Secretary of State shall be required to transmit to the agent of State and Auditor of State a certified copy of this act.

When so amended, the committee recommend its passage.

On motion by Mr. Branson,

The report and amendment were laid on the table, and 200 copies ordered to be printed for the use of the House.

Mr. Kerr, from the judiciary committee, made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred House bill No. 159, entitled " a bill making prosecuting witnesses and other persons, liable in certain State prosecutions," have had the same under consideration, and instruct me to report it back to this

House, and recommend its indefinite postponement, such legislation being deemed inexpedient.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Kerr, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred a resolution directing an enquiry into "the expediency of so amending the law of decedents, as to modify so much thereof as relates to widows taking title in fee simple, rather than in dower," have had the same under consideration, and directed me to report, that in the opinion of the committee, such legislation would be inexpedient.

Which report was concurred in.

Mr. Kerr, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 94, entitled a bill for the relief of H. E. Talbott and to prevent to the transfer of certain bonds therein named, and to authorize the issuing of other bonds, on certain contingencies therein named, have had the same under consideration, and instructed me to report said bill back to this House, and recommend the indefinite postponement of the further consideration of thereof. The committee consider the securities therein named, in the nature of contracts negotiable by the law merchant, and that the title thereto as therefore passed to the innocent purchaser thereof, for a valuable consideration without notice of any fraud. The legislation proposed in this bill would be attended with no other result, than to delay the present holder of said securities in the exercise of their legal rights,

The question being on concurring in the report of the committee,

On motion by Mr. Larue,  
The bill was laid on the table.

Mr. Kerr, from the judiciary committee, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 68, entitled a bill to amend the 136th section of the general

practice act of 1852, have had the same under consideration, and instruct me to report the same back to this House, and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

On motion,

Leave of absence was granted Messrs. Ward, Van Sandt, and Hayden.

The question pending at adjournment being, the motion of McDonald of Lake, to lay the resolution of Davis of Sullivan on the table,

The ayes and noes were demanded by Messrs. McDonald of Lake and Gordon.

*Those who voted in the affirmative were,*

Messrs. Conner of Wabash, Smith of Delaware, Steele, Williams of Lagrange, and Wright—5.

*Those who voted in the negative were,*

Messrs. Adams, Bowman, Branson, Brown, Bryan, Claypool, Dobbins, Duncan, Edson, Hoagland, Humphreys, Kerr, Landiss, Massey, Marvin, Moore, McDaniel, McFarland, McKinney, Reyman, Robbins, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Taggart, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker—32.

No quorum voted.

On motion by Mr. Humphreys,  
A call of the House was ordered.

The Clerk proceeded with the call, when the following members answered to their names:

Messrs. Abel, Adams, Batterton, Bowman, Branson, Brown, Bryan, Clapp, Claypool, Conner of Wabash, Crawford, Davis of Hendricks, Dobbins, Duncan, Edson, Gordon, Hawkins, Hoagland, Humphreys, Hutchings, Kerr, Landiss, Larue, Massey, Marvin, Mercer, Merrifield, Moore, McDaniel, McDonald of Lake, McFarland, McKinney, Neal, Price, Reyman, Robbins, Sherrod, Shoulders, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stone, Taggart, Whitcomb, Wiley, Williams of Knox,



Williams of Lagrange, Williamson, Wright, Yater, and Mr. Speaker—53.

On motion by Mr. Larue,  
The House adjourned.

2 o'clock, P. M.

The House met.

The pending question being, the motion of Mr. McDonald of Lake, to lay the resolution of Mr. Davis of Sullivan on the table,

The ayes and noes were demanded by Messrs. Gordon and McDonald of Lake.

*Those who voted in the affirmative were,*

Messrs. Conner of Hamilton, Conner of Wabash, Mercer, Steele, and Todd.—5.

*Those who voted in the negative were,*

Messrs. Abel, Allen, Blake, Bowman, Branson, Brown, Bryan, Carnahan, Clark, Crowe, Dobbins, Duncan, Early, Herod, Hoagland, Humphreys, Kerr, Landiss, Lane, Massey, Marvin, Modesitt, Moore, McDaniel, McFarland, McKinney, Neff, Reyman, Ricketts, Robbins, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Stillwell, Taggart, Wallace, Walpole, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker.—43.

No quorum voting.

On motion by Mr. Williams of Knox,  
A call of the House was ordered.

The Clerk proceeded with the call, when the following members present answered to their names :

Messrs. Abel, Adams, Allen, Austin, Ballenger, Blake, Bowman, Branham, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Col-

grove, Conner of Hamilton, Conner of Wabash, Crowe, Davis of Hendricks, Dobbins, Duncan, Early, Evans, Gordon, Hawkins, Herod, Hoagland, Humphreys, Hutchings, Jefferis, Kerr, Landiss, Lane, Larue, Massey, Marvin, Mercer, Merrifield, Modesitt, Moore, McDaniel, McDonald of Lake, McFarland, McKinney Neff, Neal, Price, Reyman, Ricketts, Robbins, Sherrod, Shoulders, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Stone, Taggart, Todd, Van Sandt, Vawter, Wallace, Walpole, Whitcomb, Wiley, Williams of Knox, Williamson, Wright, Yater, and Mr. Speaker—70.

Mr. Blake moved the House adjourn,  
Which was not agreed to.

The Clerk proceeded with the call,  
When,  
On motion by Mr. Humphreys,  
The further call of the House was suspended.

The question recurring, to lay the resolution on the table,  
The ayes and noes were demanded by Messrs. Gordon and McDonald of Lake.

*Those who voted in the affirmative were,*

Messrs. Mercer, Smith of Delaware, Steele, and Wright.—4.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Allen, Blake, Bowman, Branson, Brown, Bryan, Carnahan, Crowe, Dobbins, Duncan, Early, Herod, Hoagland, Humphreys, Kerr, Landiss, Lane, Massey, Marvin, Modesitt, Moore, McDaniel, McFarland, McKinney, Neff, Reyman, Robbins, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Stillwell, Taggart, Wallace, Walpole, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker—42.

No quorum voting.

On motion by Mr. Humphreys,  
A call of the House was ordered.

The Clerk proceeded with the call, when the following members answered to their names, viz :

Messrs. Abel, Adams, Allen, Austin, Batterton, Blake, Bowman, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Colgrove, Conner of Hamilton, Conner of Wabash, Crowe, Davis of Hendricks, Dobbins, Duncan, Early, Evans, Gordon, Hawkins, Herod, Hoag-

land, Humphreys, Hutchings, Jefferis, Kerr, Landiss, Lane, Larue, Massey, Marvin, Mercer, Merrifield, Modesitt, Moore, McDaniel, McDonald of Lake, McFarland, McKinney, Neal, Neff, Price, Reyman, Ricketts, Robbins, Sherrod, Shoulders, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Stone, Taggart, Todd, Van Sandt, Vawter, Wallace, Walpole, Whitcomb, Wiley, Williams of Knox, Williamson, Wright, Yater, and Mr. Speaker.—71.

On motion by Mr. Humphreys,  
The further call of the House was suspended.

The question then recurring, on laying the resolution of Mr. Davis of Sullivan on the table.

The ayes and noes were demanded by Messrs. Gordon and McDonald of Lake.

*Those who voted in the affirmative were,*

Messrs. Mercer and Steele.—2.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Allen, Branson, Blake, Bowman, Bryan, Brown, Carnahan, Clark, Crowe, Dobbins, Duncan, Early, Edson, Herod, Hoagland, Humphreys, Kerr, Landiss, Lane, Massey, Marvin, Moore, McDaniel, McFarland, McKinney, Neff, Reyman, Ricketts, Robbins, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Stillwell, Taggart, Wallace, Walpole, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker.—44.

No quorum voting.

Mr. Sherrod moved the House adjourn,  
Which was not agreed to.

On motion by Mr. Humphreys,  
A call of the House was ordered.

The Clerk proceeded with the call, when the following members were present, and answered to their names, viz:

Messrs. Abel, Adams, Allen, Austin, Bailenger, Batterton, Blake, Bowman, Branham, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Crowe, Davis of Hendricks, Dobbins, Duncan, Early, Edson, Evans, Gordon, Hawkins, Hayden, Herod, Hoagland, Humphreys, Hutchings, Jefferis, Kerr, Landis, Lane, Larue, Massey, Marvin, Mercer, Merrifield, Modesitt, Moore, McDaniel, McDonald of

Lake, McFarland, McKinney, Neal, Neff, Price, Reyman, Ricketts, Robbins, Sherrod, Shoulders, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Taggart, Todd, Van Sandt, Vawter, Wallace, Walpole, Whitcomb, Wiley, Williams of Knox, Williamson, Wright, Yater, and Mr. Speaker—74.

On motion,  
The further call was suspended.

The question then recurring on laying the resolution of Davis of Sullivan on the table.

The ayes and noes were demanded by Messrs. Gordon and McDonald of Lake.

*Those who voted in the affirmative were,*

Messrs. Adams, Branson, Conner of Wabash, Evans, Mercer, and Steele—6.

*Those who voted in the negative were,*

Messrs. Abel, Allen, Blake, Bowman, Brown, Bryan, Carnahan, Clark, Colgrove, Crowe, Dobbins, Duncan, Early, Edson, Herod, Hoagland, Humphreys, Kerr, Landiss, Lane, Massey, Marvin, Modesitt, Moore, McDaniel, McFarland, McKinney, Neff, Reyman, Ricketts, Robbins, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Stillwell, Taggart, Wallace, Walpole, Wiley, Williams of Knox, Williamson Yater, and Mr. Speaker.—43.

No quorum voting.

Mr. Blake moved the House adjourn.  
Which was not agreed to.

On motion by Mr. Marvin,  
A call of the House was ordered.

The clerk proceeded with the call, when the following members answered to their names:

Messrs. Abel, Adams, Allen, Austin, Ballenger, Batterton, Blake, Bowman, Branham, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Colgrove, Conner of Wabash, Crawford, Crowe, Davis of Hendricks, Dobbins, Duncan, Early, Edson, Evans, Gordon, Hawkins, Herod, Hoagland, Hutchings, Jefferis, Kerr, Landiss, Lane, Larue, Massey, Marvin, Merrifield, Modesitt, Moore, McDaniel, McDonald of Lake, McFarland, McKinney, Neal, Neff, Price,

Reyman, Ricketts, Robbins, Sherrod, Shoulders, Slicer, Sloss, Smith of Bartholomew, Smith of Belaware, Steele, Stillwell, Stone, Taggart, Todd, Van Sandt, Vawter, Wallace, Walpole, Whitcomb, Wiley, Williams of Knox, Williamson, Wright, Yater, and Mr. Speaker—76.

On motion,  
The further call of the House was suspended.

The question then recurring, to lay the resolution of Davis of Sullivan on the table,

The ayes and noes were demanded by Messrs. Gordon and McDonald of Lake.

Mr Steele voted in the affirmative.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Allen, Blake, Bowman, Branson, Brown, Bryan, Carnahan, Clark, Crowe, Dobbins, Duncan, Early, Edson, Herod, Hoagland, Humphreys, Landiss, Lane, Massey, Marvin, Modesitt, Moore, McDaniel, McFarland, McKinney, Neff, Reyman, Ricketts, Robbins, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Stillwell, Taggart, Wallace, Walpole, Willey, Williams of Knox, Williamson Yater, and Mr. Speaker.—44.

No quorum voting.

Mr. Speaker ordered the Clerk to call the absentees.

The following members were absent, or stood without the bar of the hall of the House, and refused to vote or answer to their names, viz:

Messrs. Austin, Ballenger, Batterton, Bethell, Boyd, Branham, Clapp, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Cullen, Davis of Hendricks, Davis of Sullivan, Denby, Douglass, Evans, Gordon, Grose, Hawkins, Hayden, Hutchings, Jefferis, Kerr, Larue, Lewis, Mercer, Merrifield, Moon, McDonald of Fountain, McDonald of Lake, Neal, Price, Schermerhorn, Shuman, Sloss, Smith of Delaware, Stone, Studabaker, Todd, Trippet, Vawter, Wagner, Whitcomb, Williams of Lagrange, and Wright—44.

Mr. Walpole moved that the Speaker be directed, through the Doorkeeper, to compel the attendance of the absent members at the bar of the House, on to-morrow morning, at 9 o'clock, to show cause why they should not answer for their absence.

Upon this proposition, the ayes and noes were demanded by Messrs. Gordon and Colgrove.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Blake, Bowman, Branson, Brown, Bryan, Carnahan, Crowe, Dobbins, Duncan, Early, Edson, Herod, Hoagland, Humphreys, Landiss, Lane, Massey, Marvin, Modesitt, Moore, McDaniel, McFarland, McKinney, Neff, Reyman, Ricketts, Robbins, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Stillwell, Taggart, Wallace, Walpole, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker—43.

*Those who voted in the negative were,*

Messrs. Mercer and Steele—2.

So the motion prevailed.

Mr. McDonald of Lake appealed from the decision of the chair.

Mr. Walpole moved a call of the previous question,  
Which was seconded by the House.

The question being, shall the main question be now put?  
It was agreed to.

The question being, shall the decision of the chair stand as the judgment of the members present?

The ayes and noes were demanded by Messrs. Gordon and Colgrove.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Blake, Bowman, Brown, Bryan, Carnahan, Clark, Crowe, Dobbins, Duncan, Early, Edson, Herod, Hoagland, Humphreys, Landiss, Lane, Massey, Marvin, Modesitt, Moore, McDaniel, McFarland, McKinney, Neff, Reyman, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Stillwell, Taggart, Wallace, Walpole, Wiley, Williams of Knox, Williamson, Yater and Mr. Speaker—44.

*Those who voted in the negative were,*

Messrs. Conner of Wabash, Larue, and Steele—3.

So the decision of the chair was sustained.

On motion by Mr. Walpole,  
The House adjourned.



TUESDAY MORNING, 9 o'clock, }  
February 10, 1857. }

The House met.

Solomon Akers, Doorkeeper of the House of Representatives, and ex-officio sergeant-at-arms, made the following return to the warrant issued under the constitution and rules of the House, on yesterday:

As within commanded, I have within the bar of the House, the members named in said writ, viz:

Messrs. Austin, Ballenger, Batterton, Bethell, Boyd, Branham, Clapp, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Evans, Gordon, Grose, Hawkins, Hutchings, Jefferis, Kerr, Larue, Mercer, Merrifield, McDonald of Fountain, McDonald of Lake, Neal, Price, Stone, Todd, Trippet, Wagner, Williams of Lagrange, members of the House of Representatives.

Those not found are,

Messrs. Conduitt, Cullen, Davis of Sullivan, Denby, Douglass, Hayden, Lewis, Moon, Schermerhorn, Shuman, Sloss, Smith of Delaware, Studabaker, Vawter, Whitcomb, and Wright.

SOLOMON AKERS, *Doorkeeper*.

Mr. McDonald of Lake arose to a question of order, stating that the return of the doorkeeper, to the following resolution, viz: "That the Speaker be directed, through the doorkeeper, to compel the attendance of the absent members at the bar of the House, on to-morrow morning, at 9 o'clock, to show cause why they should not answer for absence," was not in the regular order of business.

The Speaker decided that it was the regular order of business, the hour of 9 o'clock having arrived.

Mr. McDonald of Lake appealed from the decision of the chair.

The question being, shall the decision of the chair stand as the decision of the House?

The ayes and noes were demanded by Messrs. McDonald of Lake and Grose.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Ayres, Bethell, Blake, Bowman, Boyd, Branson, Brown, Bryan, Carnahan, Clark, Claypool, Crowe,

Dobbins, Duncan, Early, Herod, Hoagland, Humphreys, Kerr, Landiss, Lane, Lewis, Massey, Marvin, Moore, McDaniel, McDonald of Fountain, McFarland, McKinney, Neff, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Stillwell, Stone, Taggart, Trippet, Wallace, Wiley, Williams of Knox, Williamson, and Yater—51.

*Those who voted in the negative were,*

Messrs. Austin, Ballenger, Branham, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Davis of Hendricks, Evans, Grose, Hawkins, Hutchings, Jefferis, Larue, Mercer, Merrifield, Neal, Shuman, Sloss, Todd, Van Sandt, Vawter, Wagner, Whitcomb, and Williams of Lagrange—25.

So the decision of the chair was sustained by the House.

Messrs. McDonald of Lake, Grose, Larue, Conner of Wabash, Austin, Clapp, Mercer, Wagner, Conner of Hamilton, and Branham, severally arose and spoke to a question of privilege.

Mr. Blake offered the following resolution:

*Resolved*, That the attachment issued on a resolution of this House against absent members, be, and the same is hereby dismissed.

Mr. Blake moved a call of the previous question.

Mr. McDonald of Lake arose to a question of privilege, and stated as follows:

The question of privilege is this: That whereas, certain members of this House have been arrested under a warrant issued by the Speaker of this House, without any specification of the charges against them, the persons arrested ask, as a privileged right, that the charges against them be specified on the journal, or by this House, so that the members arrested have the privilege of taking issue thereon, and demanding an investigation thereof.

Pending which,

On motion by Mr. Neff,  
The House adjourned.

2 O'CLOCK, P. M.

The House met.

Mr. Davis of Sullivan, by consent of the House, withdrew his resolution.

Mr. McDonald of Lake offered the following resolution :

*Resolved*, That the charges against the member of this House from Lake county, upon which he has been arrested by a warrant issued under the hand of the Speaker of this House, be placed upon the journal of this House.

The ayes and noes were demanded by Messrs. McDonald of Lake and Grose.

*Those who voted in the affirmative were,*

Messrs. Austin, Batterton, Boyd, Branham, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Cullen, Davis of Hendricks, Evans, Grose, Hawkins, Hutchings, Jefferis, Larue, Mercer, Merrifield, Moon, McDonald of Lake, Neal, Reese, Shuman, Sloss, Steele, Stone, Todd, Van Sandt, Vawter, Wagner, Whitcomb, and Williams of Lagrange—33.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Allen, Ayres, Bethell, Blake, Bowman, Brown, Bryan, Carnahan, Claypool, Crowe, Dobbins, Duncan, Early, Edson, Herod, Hoagland, Humphreys, Kerr, Lane, Lewis, Massey, Marvin, Modesitt, Moore, McDaniel, McFarland, McGinnis, McKinney, Neff, Reyman, Ricketts, Robbins, Sherrod, Slicer, Smith of Bartholomew, Taggart, Trippet, Wallace, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker—45.

So the resolution was not agreed to.

The question then recurred on the demand of the previous question,

Which was seconded by the House.

The question being, shall the main question be now put?

It was agreed to.

The question being, shall the resolution be adopted?

The ayes and noes were demanded by Messrs. McDonald of Lake and Colgrove.

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Ayres, Bethell, Blake, Bowman, Boyd, Branson, Brown, Bryan, Carnahan, Colgrove, Conner of Hamilton, Conduitt, Crowe, Cullen, Davis of Sullivan, Duncan, Early, Edson, Evans, Herod, Hoagland, Humphreys, Kerr, Landiss, Lane, Lewis, Massey, Marvin, Modesitt, Moon, Moore, McDaniel, McDonald of Fountain, McFarland, McGinnis, McKinney, Neff, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Taggart, Trippet, Wallace, Wiley, Williams of Lagrange, Williamson, Yater, and Mr. Speaker—57.

*Those who voted in the negative were,*

Messrs. Adams, Clapp, Dobbins, Larue, Mercer, Merrifield, Sloss, Steele, Todd, Van Sandt, and Williams of Knox—11.

The following members, being present, refused to vote :

Messrs. Conner of Wabash, Grose, Hutchings, Jefferis, Shuman, and Wagner—6.

So the resolution was agreed to.

Mr. Colgrove moved to reconsider the vote just taken.

Mr. Marvin moved to lay the motion on the table.

The ayes and noes were demanded by Messrs. Gross and Colgrove.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Ayres, Bethell, Blake, Bowman, Boyd, Branson, Brown, Bryan, Carnahan, Claypool, Conner of Hamilton, Conduitt, Crowe, Cullen, Duncan, Early, Edson, Evans, Herod, Hoagland, Humphreys, Kerr, Landiss, Lane, Lewis, Massey, Marvin, Modesitt, Moore, McDaniel, McDonald of Fountain, McDonald of Lake, McFarland, McGinnis, McKinney, Neff, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Steele, Taggart, Todd, Trippet, Wallace, Whitcomb, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker—58.

*Those who voted in the negative were,*

Messrs. Austin, Clapp, Colgrove, Conner of Wabash, Dobbins, Larue, Mercer, Merrifield, Moon, Sloss, Van Sandt, Vawter, Wagner, Williams of Lagrange—14.

So the motion was laid on the table.

The journal of yesterday was read and adopted.

Mr. Larue moved to correct the journal as follows :

To amend by striking out the words " the absentees," and insert " the names of members not voting."

Which was not agreed to.

The Speaker laid before the House the following communication and report of the cashier of the bank of the State of Indiana.

OFFICE OF THE BANK OF THE STATE OF INDIANA, }  
Indianapolis, February 7, 1857. }

HON. BALLARD SMITH,

*Speaker of the House of Representatives :*

SIR:—As requested by resolution of the House, that James M. Ray, cashier of the bank of the State of Indiana, be requested to communicate to this House, at as early a day as practicable, the names of the stockholders at the taking of the stock at the organization of the branches, and the names of the stockholders on the first day of January, 1857. and note those who are residents and non-residents at each period ; I submit herewith such statements, marked A. and B., as appears from the document on file in the office, the latter statement having reference to the 23d December last, being the nearest to the 1st of January, 1857, within my power to furnish, without a longer delay than would probably meet the wishes of the House.

Very respectfully,

JAMES M. RAY, *Cashier.*

[*For report see documentary journal.*]

Mr. Kerr moved to refer the report and communication to the committee on banks.

On motion by Mr. Carnahan,

The report was laid on the table, and 200 copies ordered to be printed.

The Speaker laid before the House the following communication from the superintendent of the deaf and dumb :

INSTITUTION FOR THE DEAF AND DUMB, }  
Indianapolis, February 10th, 1857. }

HON. BALLARD SMITH,

*Speaker of the House of Representatives :*

In answer to the resolution passed on the 6th inst., requesting me to report to the House, whether or not it would be advisable

to connect with this institution an establishment for the purpose of instructing the pupils in the business of practical printing, and, eventually, of doing a part or all of the printing for the State, I beg leave to submit the following reply :

Whilst I am sensible that such an establishment in this institution, on some accounts, would be desirable, and that the printing business is, in many respects, well adapted to the educated deaf and dumb, yet the obstacles in the way of its accomplishment are of such a nature as to convince me that the enterprise, under present circumstances, would not be practicable. It is sufficient perhaps to state, that the printing business can only be learned by those who understand the language in which the printing is done; and that the deaf and dumb, when they enter the institution, are wholly ignorant of any language, written or printed, and that it takes the best of them four or five years to gain such a knowledge of ours as to use it accurately. They remain in the institution, usually, not more than four or five years, and hence are generally not prepared to begin to learn the trade much before they leave, or are withdrawn by their friends from the asylum; shoemaking, tailoring, cabinet making, and some other trades, a deaf mute can begin to learn the first day he enters the institution. But it is not so, I have been told, with printing; before he can make any progress in learning this, he must acquire a knowledge of our language, and this he does not do much short of the time prescribed in the course of study. If, as in some of the European institutions of this class, pupils should remain in the asylum nine or ten years, the last four or five years might be profitably spent in learning this art. But as the case now stands, I cannot think it advisable to undertake it.

Besides the objection stated above, it seems to me that another serious obstacle in the way of success, would be found to exist in the difficulty of procuring work in a town like Indianapolis, where there is scarcely any books printed. In a large city like New York or Philadelphia, where there are extensive publishing houses, job work probably might be procured sufficient to keep up such an establishment. But here, I am persuaded it could not be none. And it would not do to rely upon the public printing, for this, I am informed, is required to be done in such brief time, and on such short notice, that the pupils, working but about three hours per day, could not do it with sufficient despatch. Besides, it is feared that serious opposition to the institution would be created, should it seek to divert the patronage of the State in this respect, from its present channel.

The institution already affords to the pupils considerable variety of employments; shoemaking, tailoring, coopering, horticulture, and practical farming are taught to some extent. These are trades suited to the capacities of the deaf and dumb, and can be learned at the same time by them, that they are learning to read. A deaf mute may make a barrel or a shoe, without knowing its name or



the name of the process which he pursues in doing it. But a boy could not set type without knowing something of orthography, punctuation, and the nature of written and printed language.

Should the legislature think it advisable to extend the range of industrial employments for the pupils in this institution, I would recommend that cabinet-making be introduced. This is a trade that could be carried on profitably, is easily learned, and at which employment could be found in most parts of our country. It has also this additional recommendation, that in learning it a person gains such a knowledge of the use of tools, as enables him to practice carpentering and house joining with advantage.

But still, should the members of the legislature deem it best to make the attempt to introduce printing, I hold myself ready to carry out their views to the fullest extent practicable. There is one way in which the thing could be done, and that is by extending the course of study to eight years, and devoting the main part of the last three or four years to the acquisition of the knowledge of this art. The pupils might, during this period, divide their time equally between the printing office and school room, and thus perfect their education while learning the trade, or there might be a department established for printing, into which graduates from the intellectual department might be received as apprentices. But I seriously doubt the propriety of so far changing the main design of the institution, as to supplant the intellectual by the merely physical education of the pupils, crowding out the school by the shop, by substituting the learning of trades for intellectual and moral culture. The former must, in the nature of the case, be subordinate to the latter.

In conclusion, I respectfully invite the attention of the members of the House of Representatives, to the views of the board of trustees of this institution on the subject of the industrial and mechanical employment of the pupils, as expressed in their last annual report on page 8 and 9, and of assuring them that all the officers of the institution stand ready to second and carry out any measures that the wisdom of the legislature may devise for the greater efficiency and usefulness of this, as well as all other departments of the institution.

All of which is respectfully submitted,

THOS. MAC INTIRE,  
*Superintendent.*

On motion by Mr. Lane,

The report was referred to the committee on benevolent and scientific institutions.

Mr. Austin moved to correct the journal, by inserting the original warrant upon which the members were arrested.

Mr Claypool moved to lay the resolution on the table.

The ayes and noes were demanded by Messrs. Larue and Austin.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Ayres, Bethell, Blake, Bowman, Boyd, Branson, Brown, Bryan, Carnahan, Claypool, Conduitt, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Duncan, Early, Edson, Herod, Hoagland, Humphreys, Kerr, Landiss, Lane, Lewis, Massey, Marvin, Modesitt, Moon, Moore, McDaniel, McDonald of Fountain, McFarland, McGinnis, McKinney, Neff, Reese, Reymann, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Stillwell, Taggart, Trippet, Wallace, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker—58.

*Those who voted in the negative were,*

Messrs. Austin, Batterton, Branham, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Davis of Hendricks, Grose, Hawkins, Hutchings, Jefferis, Larue, Mercer, Merrifield, McDonald of Lake, Neal, Price, Shuman, Sloss, Smith of Delaware, Steele, Stone, Todd, Van Sandt, Vawter, Wagner, Whitcomb, and Williams of Lagrange—30.

#### PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Marvin,

A petition, signed by sundry citizens residing on and near the Michigan road, in reference to vacating a portion of said road  
Which,

On motion,  
Was referred to the committee on roads.

By Mr. Schermerhorn,

A petition, signed by J. D. Larimore, and others, in reference to the protection of deer.

Which,

On motion,  
Was referred to the same select committee heretofore appointed on same subject.

By Mr. Williams of Lagrange,

A petition, by William Hill and others, in reference to amending the collection laws.

Which,

On motion,  
Was referred to the committee on county and township business.

By Mr. Colgrove,

The petition and memorial of the colored citizens of Randolph county, which reads as follows, to-wit :

*To the Senate and House of Representatives  
of the State of Indiana :*

We believe that the framers of the Declaration of Independence meant what they said, when they declared that "all men are created equal; that they are endowed by their creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness."

We would humbly but earnestly ask you to take the necessary steps, at the present session, to amend the constitution of this State, so as to strike out the entire 13th article of the same.

We would further ask you to repeal all laws prohibiting us from testifying in courts of justice, against a white man.

We would further ask you to give us all the political rights now guarantied to the white American citizen.

Signed in behalf the convention of colored people of Randolph county.

RICHARD ROBBINS, *President.*

SAMUEL H. SMOTHERS, *Secretary.*

January 24, 1857.

Mr. Lene moved to lay the memorial on the table.

The ayes and noes were demanded by Messrs. Larue and Neff.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Ayres, Bethell, Bowman, Boyd, Branson, Brown, Bryan, Carnahan, Clark, Claypool, Colgrove, Conduitt, Davis of Hendricks, Denby, Dobbins, Early, Edson, Herod, Humphreys, Landiss, Lane, Lewis, Massey, Marvin, Modest, Moore, McDonald of Fountain, McFarland, McGinnis, McKinney, Neff, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Stillwell, Taggart, Trippet, Wallace, Whitcomb, Wiley, Williams of Knox, Williamson, and Yater—51.

*Those who voted in the negative were,*

Messrs. Austin, Blake, Branham, Clapp, Conner of Hamilton, Conner of Wabash, Crawford, Crowe, Cullen, Davis of Sullivan, Duncan, Evans, Hawkins, Hoagland, Hutchings, Jefferis, Kerr, Larue, Mercer, Merrifield, Moon, McDaniel, McDonald of Lake, Neal, Price, Shuman, Sloss, Smith of Bartholomew, Smith of

Delaware, Steele, Stone, Todd, Van Sandt, Vawter, Wagner, Williams of Lagrange, and Mr. Speaker—37.

So the memorial was laid on the table.

Mr. Colgrove moved to reconsider the vote just taken.  
Which was not agreed to.

By Mr. Kerr,

A petition signed by C. A. Rudd and others, in reference to non-residents paying a docket fee of five dollars at the instituting of suits.

Which,

On motion,

Was referred to the committee on the judiciary.

By Mr. Cullen,

A memorial and petition in reference to the act to revise, simplify and abridge the rules, practice and pleading, and forms in civil cases.

Was referred to the committee on the judiciary.

By Mr. Robbins,

A petition signed by Joseph J. Davis and others, of Fulton county, Indiana, in reference to the common school system.

Which,

On motion,

Was referred to the committee on education.

By Mr. Duncan,

A petition signed by Ather Staggs and others, in reference to the practice of medicine and surgery.

Which,

On motion,

Was referred to the same select committee heretofore appointed on same subject.

#### REPORTS FROM COMMITTEES.

Mr. Colgrove, from the committee on the judiciary, made the following report:

MR. SPEAKER :

The committee on the judiciary have had the following bill under consideration, and have instructed me to report the same to the House, and recommend its passage :

No. 190. A bill supplemental to an act entitled an act to provide for the election, fixing the compensation, and prescribing the duties of Attorney General of the State of Indiana, approved Feb. 21, 1855.

Which was read a first time, and passed to a second reading.

Mr. Blake, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred a resolution directing enquiry into the right and expediency of regulating the charges for travel on railroads, so that way passengers be charged no more than through passengers, have had the same under consideration, and directed me to report, that the committee deem such legislation unnecessary and inexpedient.

Which report was concurred in.

Mr. Conner of Hamilton, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred a resolution directing an enquiry "into the expediency and necessity of so amending the laws regulating the settlement of decedents' estates, as to enable creditors, by some compulsory process to enforce the collection of their claims against such estates, after the expiration of two years from such decedent's death," have had the same under consideration, and directed me to report, that, in the opinion of the committee, such amendment is not necessary, and would be inexpedient.

Which report was concurred in.

Mr. Conner of Wabash, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 115, being a bill declaring what a seal is, in contemplation of law, requiring deeds of conveyance to be sealed, and declaring the meaning of such laws, have had the same under consideration, and have directed me to report, that no legislation upon that subject seems to be required.

Which report was concurred in.

Mr. Blake, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred a resolution directing an enquiry into "the expediency of so amending the law for the settlement of decedents' estates, as to cause claims to be filed with the administrator or executor, instead of with the clerk of the county court," have had the same under consideration, and directed me to report, that, in the opinion of the committee, such legislation would be inexpedient.

Which was concurred in.

Mr. Blake, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 16, repealing 5th section of an act regulating general elections, &c., have had the same under consideration, and directed me to report the same back to the House, and recommend its indefinite postponement.

On motion by Mr. Conduitt,  
The bill was laid on the table.

On motion by Mr. Davis of Sullivan,  
The vote concurring in the report of Mr. Conner of Wabash, relative to House bill No. 115, a bill declaring what a seal is, in contemplation of law,  
Was reconsidered.

The bill was then ordered to be engrossed.

Mr. Blake, from the judiciary committee, made the following report :

The judiciary committee, to whom was referred the report of the Attorney General, in reference to the claim of Morehead, Hall & Co., against the State, in obedience to accompanying instructions from the House, have directed me to report the accompanying bill :

No. 191. A bill to provide for the payment of the claim of Morehead, Hall & Company, against the State of Indiana.

Which was read a first time, and passed to a second reading.

Mr. Claypool, from the committee on the judiciary, made the following report :



MR. SPEAKER :

The judiciary committee, to whom was referred Senate bill No. 16, providing for the taxation of costs in certain cases, have had the same under consideration, and directed me to report the same back to the House, and recommend its passage.

Which report was concurred in, and the bill ordered to a third reading.

Mr. Blake, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 109, in regard to decedents' estates, have had the same under consideration, and directed me to report the same back to the House, and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Kerr, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred Senate bill No. 14, to provide for the approval of official bonds of constables, have had the same under consideration, and directed me to report the same back to the House, and recommend its passage.

Which report was concurred in, and the bill ordered to a third reading.

Mr. Lane, chairman of the committee on education, made the following report :

MR. SPEAKER :

The committee on education, to whom was referred a resolution directing an enquiry into the expediency of so amending the law, relative to the distribution of school funds, as to give to each district in a township, an equal amount of money, have had the same under consideration, and directed me to report, that, in the opinion of the committee, legislation on the subject would be inexpedient.

Which report was concurred in.

Mr. Lane, chairman of the committee on education, made the following report :

MR. SPEAKER :

The committee on education, to whom was referred a resolution directing an enquiry into the expediency of reporting a bill, providing that the common school law be suspended for a term of five years, and that a competent person be appointed to take charge of the various funds on hand, and so manage and loan the same, as to increase the fund by all lawful means, and to provide that the school houses now built, or in process of building, shall be turned over to the citizens of the district where such school houses are located, for educational purposes, have had the same under consideration, and directed me to report to the House, that, in the opinion of the committee, such legislation is inexpedient, unjust, and would be in violation of the most liberal provision of the constitution of the State.

Which report was concurred in.

Mr. Lane, chairman of the committee on colonization, made the following report :

The committee on colonization have received the following communication, from J. Mitchell, Secretary of State Board of Colonization, which they submit to the House, and recommend that it be laid on the table, and one thousand copies ordered to be printed :

TO HON. GEO. W. LANE,

*Chairman of House Committee on Colonization :*

SIR:—Be so good as to lay the following communication before your committee, and, if you judge necessary, before the House, as it is desirable that the cause of African colonization should stand in a clear light before the people of our State.

I regret to say, that little has been accomplished in meeting the expectation of the public, in regard to a settlement or colony on the west coast of Africa, to be sustained and fostered by our State. The late secretary of the board, Mr. T. A. Mills, was disinclined to such a measure, and the effect of the failure to press forward the enterprise, as at first planned, so discouraged our people of color, that not one has emigrated since this unfortunate change of policy became known amongst them, nor did we permit this alteration of policy to take place without an effort to avert the evils, and prevent the change.

With this view, we addressed the following communication to the State board of colonization, on the 17th of April, 1855 :

“GENTLEMEN:—Permit me to place before you, at one view, the reasons in support of the measure, to consider which we have had four meetings of the board, without arriving at definite results,

viz: That of acceding to the request of the government of Liberia, without further delay in aiding said government, by a liberal appropriation, to found a new settlement at Grand Cape Mount, and the appointment of a commissioner to Liberia, to arrange the details of the settlement.

It is over six years since I opened correspondence with President Roberts, on the subject of securing lands for emigrants from this State, a reference to which correspondence may be found in my report to the General Assembly of 1852-53, and it is near three years since the colonization board, in its legal capacity, assumed the responsibility of that correspondence. It need not, therefore, be considered improper for the writer to have some anxiety in seeing this protracted correspondence successfully closed, by prompt and energetic measures on our part, inasmuch as we have been, and still are pressed on all hands, by enquiries about results; which interrogations we have been unable to answer to our own satisfaction, however others may have received our answers.

This matter of aid to Liberia, and our own free people of color, is a subject about which tens of thousands of the conscientious men of Indiana are deeply interested; and to be properly impressed with this fact, it is only necessary to glance at the debates of the constitutional convention, and the address of the committee of that body, which promulged the revised constitution, or the action of the people of the State.

At our meeting of the 27th of February, we read extracts from the speeches of Messrs. Newman, Owen, Colfax, Kent, J. J. Morrison, Pettit, Mace, McFarland, Jones, and others, made in support of liberal action on this subject, to which we will now add an extract from the "the Address of the Constitutional Convention:"

"As to any further provision for colonization, it is left to future legislation. A majority of the convention were of opinion, that the true interests alike of the white citizens of this State, and of its colored inhabitants, demand the ultimate separation of the races; and that, as the negro cannot obtain, among us, equal social and political rights, it is greatly to be desired, that he should find a free home in other lands, where public opinion imposes upon color neither social disabilities nor political disfranchisement."

That a strong expectation was thus created throughout the State, by the canvass we made during the two years preceding the convention, and by the discussion of the subject in that body, together with the efforts made to secure the adoption of the revised constitution, cannot be questioned at this day. Has this expectation been realized? We think it has not; at least not to such an extent as the friends of colonization had desired. The vote on the thirteenth article was a telling vote, and we must regard the 92,000 majority given for it, as a clear reflection of the sentiment of the people of the State, on which I hesitate not to affirm the

most liberal movements and measures might have been predicated; and I have no doubt, that thousands of those who voted against the thirteenth article, or did not vote at all on the separate question, would have gone for it heartily, had there been a positive requirement in it to appropriate and expend a specific sum.

Of this disposition, I may safely judge others by my own feelings; for notwithstanding I much desired a constitutional colonization provision, I could not vote for it as it stood, but, like many others, was restrained from voting against it by the above address of the convention, and the promises of statesmen, that the General Assembly would act liberally in the matter.

The legislature has acted in good faith, up until this year, but now a disposition has been disclosed to wrench from the friends of Africa, the poor pittance previously voted, and it is much to be regretted, that the ground for this retrograde movement is said to be the non-action of our board. Thus one party after another, labors to avoid the responsibility of doing what the conscience and heart of Indiana required should be done, viz: The expending of a few thousand dollars per annum in the relief of the negro.

The question of proper relief to the African, is one of the few political questions that has a large measure of moral quality in its composition, and is consequently one of universal interest in our State; and be assured, that this will be strongly manifested, if it ever should become an issue between parties, which is by no means desirable.

The people of the State have, in good faith, made slender appropriations for three years last past; according to plans carefully matured by a protracted correspondence with the authorities of Liberia, with the expectation that the money would be expended as soon as possible, and according to the published plans, viz: That of co-operating directly with the Liberian government in making a new settlement at Grand Cape Mount, where said government much desires to plant a new outpost of civilization, and where the leading emigrants from Indiana, now in Liberia, desire to establish themselves; in evidence of which we quote a few extracts from the reports on the subject. President Roberts thus writes, Oct. 31st: "There are several suitable locations within our jurisdiction, between this place and Sierre Leone, for settlements, and may be occupied at the shortest notice. I would recommend Grand Cape Mount, which is a fertile and well watered country, and possesses many inducements, or natural advantages, to new emigrants; and the natives are exceedingly anxious to have an American settlement near them. I presume there will be no difficulty in obtaining there, or at any point in that direction, any quantity of land you may wish for emigrants from Indiana." When the State board assumed the responsibility of the correspondence thus began by the writer, Roberts wrote to the president of the board, in regard to the above place, as follows, July 5th, 1853: "Few places, if any in Liberia, possess greater advan-

tages—agricultural and commercial—than Grand Cape Mount, and for which it is highly valued by the people of Liberia. It was for many years the focus of the African slave trade. The inhabitants are, perhaps, the most intelligent and warlike of all the tribes of this part of the coast; therefore, to obtain the jurisdiction of the territory, thereby abolishing the slave trade, the government of Liberia—aided, to be sure, by the American colonization society—has expended a large sum of money.

In view of this consideration, as also in view of the agricultural and commercial importance of the location for a new settlement, public sentiment here is opposed to transferring it for the extensive use and benefit of emigrants from any individual State of the Union. Objection on the score of policy, is also urged against that part of the act of the General Assembly, which proposes—as we understand it—to grant one hundred acres of land to each family emigrating from the State of Indiana. Such grants would more than likely engender jealousies on the part of emigrants from other States, which might lead to serious embarrassments.

It is now more than two years since the subject of forming a settlement there has engaged the attention of our legislature; and at its session in December last, I was authorized to commence the work. But unfortunately, just about that time, disputes arose between certain of the chiefs of that district, which resulted in war, and compelled the government for a time to abandon its purpose. These difficulties, I am happy to say, are now being terminated, and we hope soon, provided funds can be raised for that purpose, to proceed to the organization of a settlement at that place.

I am requested to suggest to your Excellency the following accommodation of the subject of a settlement at Grand Cape Mount, which will probably meet the views of the General Assembly in carrying out their philanthropic objects in regard to colonizing the colored people in Africa, viz: That the Indiana State colonization board aid the government of Liberia—to the amount of three thousand dollars—in making the necessary defensive preparations, and the employment of a sufficient number of men, for six months, for the protection of the settlement; in consideration of which, emigrants from the State of Indiana shall be located there under the arrangements now existing with respect to emigrants between this government and the American colonization society. This will not effect any additional inducement the Indiana State board may hold out to emigrants from that State—the quantity of lands to such as deserve and require it, can readily be increased by purchase from the government, at moderate prices, and may be agreed upon between this government and the State colonization board.

A subsequent communication was addressed to the board dated, Feb. 7. 1854, being but a repetition of the above, in which, how-

ever, the anxiety of the President is manifested. "It is earnestly hoped," says he, "that some arrangement may be concluded to secure the co-operation between the government here, and the Indiana board in the object contemplated." And Win. W. Findley thus writes to me:

"The friends sent out are doing as well as could be expected, and they much desire to go to Grand Cape Mount. I hope you will do all you can in regard to having that place settled as soon as possible. I do think the emigrants should be landed at that place at once, and let them go through the acclimating process there, and by the time the supply of provisions is ended, they will have something raised to eat; but if they should be brought to this place to be acclimated, a second move would be disadvantageous. There is a physician here who desires to settle at the Cape. So the sooner you commence the better."

At a public meeting of the State board of colonization, held in the lecture room of Wesley Chapel, Indianapolis, May 29, 1854, to hear the report of Rev. J. McKay, the agent of the board, sent out to observe the condition of things in Liberia, the following resolutions were adopted, and letters written to Liberia accordingly:

*Resolved*, That we will select the locality of Grand Cape Mount on the African coast, as the point for our Liberian settlement; and instruct the secretary to make an appeal to the public, and to the churches, to raise the sum of three or four thousand dollars to meet the wants of the case until such time as our existing law can be changed.

*Resolved*, That the communication of President Roberts be so answered as to state the above determination of the board, and direct him to call Wm. W. Findlay to his aid in the work of making said settlement.

It is proper here to remark that McKay was not commissioner of the board, and whatever power he exercised he assumed, and it was permitted to pass, by the courtesy of the parties concerned, and indeed his whole mission was regarded as an experiment which never would have been adopted by the board, had I not assumed the responsibility of the expense, &c. If the board has any commissioner in the case, W. W. Findlay is the person empowered by our correspondence.

In justice to our General Assembly, we will state that there never has been much difficulty in securing the appropriation for colonization purposes. The difficulty has been heretofore, as now, to have a liberal construction put on the laws, so as to meet the wishes of Liberia, and the people of the State.

But the "existing law" of the above date, *has been "changed,"* so as to enable the board to act on the plans before them.

Legal difficulties were in the way, it is true, which undoubtedly locked up the funds of the board to some extent, but in our opinion, a loan might have been secured to make the first payment for



lands in Liberia. I suggested this, but it met with no favor, and I remained silent for two years. At the last session of the legislature, I resolved that the legal difficulties should not come up in the way again, and drew up the bill which subsequently passed into a law, giving the board the unlimited control over the funds already appropriated, and making the usual appropriation. We will quote the bill as afterwards adopted, without the change of a word, except that section which provided for the annual appropriation, which was rejected by the House on the ground that we had money in the treasury unexpended :

AN ACT, To give additional power to the State Board of Colonization.

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana.* That the colonization funds heretofore appropriated for the purpose of aiding colored emigrants from this State to settle in Liberia, shall be expended according to the discretion of the State board of colonization: *Provided*, That not more than *sixty-five* dollars per emigrant, be paid for the outfit and transportation of such; *And provided*, That such persons have been residents of Indiana since the adoption of the revised constitution: *And provided*, That not more than two hundred dollars per annum be expended as a contingent fund.

SEC. 2. *Be it further enacted*, That the officers of this State, constituting the State board of colonization, shall have the power to elect such officers as they may consider necessary to carry on the enterprise, and to fix their compensation, which shall be paid out of the annual appropriation made for colonization purposes: *Provided*, That not more than six hundred dollars of said annual appropriation be thus annually expended. This restriction, however, does not apply to funds coming into their hands from other sources, in the expenditure of which, they must be governed by a wise discretion.

SEC. 3. That the State board of colonization shall have power to negotiate with the government of Liberia for land in Africa, for the use and benefit of colored persons emigrating to said country from this State, on the best terms possible; and so much of the law of 1852, as restricts the board in the mode of locating said land, is hereby repealed.

SEC. 4. Whereas, an emergency exists for the immediate taking effect of this act; therefore, this act shall be in force from and after its passage and publication in the Indiana State Sentinel and Journal.

Now, permit us to state that, in advocating the adoption of this bill, we stated always that the sum of \$3,000 was too limited a sum for lands and improvements at Grand Cape Mount; and that the board should not be confined to that limited sum, but should have discretionary power over the fund, and this was the main

point in the cards we published in the Sentinel and Journal, viz: Money for improvements. We, therefore, hope that the objection will not be made that the board has no power to meet the wishes of Liberia. If you have any doubts about this exposition of the law of last session, you are at perfect liberty to publish this communication, and hold me responsible for this presentation of the case. Thus, in our opinion, you have power to make a liberal and prompt movement, but here it is feared we will be met with another expedient to delay action—"want of plans and information." We maintain that we have all the information we require, and plans matured, on which the legislature have acted as far as requested to act. And we will respectfully represent that the foregoing plans and measures before the General Assembly, the colonization funds have been appropriated and liberally directed; and any attempt to divert them to the support of new measures, may become the subject of legal objection, as well as review. If a few gentlemen have not got their minds surcharged with points and information, their ignorance should not be made a clog to lock the wheels of the enterprise.

I have already stated to the board at previous meetings, that the quickest plan to effect results, is to send a commissioner to Liberia to close up the contract with that Government; more can be done by such an officer, in three days time whilst in Liberia, than can be done by two years correspondence; but if such an officer cannot be sent out, let us trust to the government of Liberia and W. W. Findley, who has already been in part empowered to act for us, and being well known to us all, *is trust-worthy*.

It has been suggested that an appeal should be made to the churches, for the funds necessary to carry out the proposed plans at Grand Cape Mount. *To this we respectfully object.*

*First.* Because of the delay caused by what we know would be, and should be an unsuccessful appeal. And

*Second.* Because we must earnestly insist, as we have always done, that colonization is a political measure, and as such should be, with all its claims, matter for liberal legislation, and all the legitimate claims thereof should be met by the whole people. The people of Indiana have placed laws of the most stringent character on the statute, declaring that physical disabilities exist in the case of the negro—disabilities more to be dreaded as society is now constructed, than blindness or deafness; and the same popular power that votes hundreds of thousands to the relief of a few of the disabled whites of our State, the blind and the dumb, has pointed out a way whereby thousand of the depressed colored residents of Indiana may have some relief likewise, and we trust that that relief will not be construed into the simple grant of \$65, to transport the emigrant to a houseless land, without shelter, without defence; and in including this point, we must respectfully represent that the churches have their own peculiar work to do, from which arise as many claims as they can meet, and to bring this

matter before them in the form of a plea for pecuniary aid, with the existing liberal legislation on the subject, would be justly regarded as an oppressive addition to the ever growing claims made on their benevolence, and prove in this State an unpopular mission to all concerned.

Thus, in reviewing the ground, we find ourselves the trustees of a fund for a civil as well as a benevolent purpose; and undoubtedly future appropriations will be measured out to us according to our improvement of those already made—thus we have lost the appropriations that should have been made, had we expended judiciously those on hand. The truth is, we have been wanting in activity, and I regret that I have been silent thus long, but an undue respect for the opinion and will of my friends, must be my apology. Should any of the other boards of trust, either civil or religious, have acted as we have done, they would have heard from their constituents. To illustrate, suppose that one of the mission boards had five or ten thousand dollars placed in their hands for the establishment of a given mission amongst the heathen, and notwithstanding the urgent pressure of the donors from without, they permit years to pass away without definite action, apparently that they may present a full treasury, so as to have no use for further contribution,—what would be the popular verdict. The object of our constitution is to found a mission not of religion, it is true, but of civilization, and the people of Indiana demand that it shall be done.

We should not take it for granted that the masses are indifferent on this subject, or that we are the only persons that feel an interest in African colonization, and consequently, if we hurry too fast we shall be left alone. On the other hand, it is to be feared that thousands who went with us for the revised constitution, will wake up to the conviction, that in colonization they have been defrauded, and in their bitter disappointment, may turn on the movers of the measure of colonization. In anticipation of such a result, it will be well to stand right on the record, and forward steps, and an ever quickening march will be found the best and safest policy.

We make these personal explanations, and place them in this permanent, though less obtrusive form, than that first intended by us, viz: Publication in the public journals—that we may correct misconceptions that have been in circulation amongst our friends.

I will close by saying, that in our opinion, the time for action has come. It has been intimated that new places of action and settlement must be matured before we can act. We will just say that it is hardly a kind reflection on near seven years' labor in the work, to ignore the plans which have been made—those plans have been long before the people of Indiana, and can be found in the reports on colonization. But to make any plan respectable, labor must be expended on it, and money must be invested in it, and this is what

we now respectfully ask the board to do—to give body and substance to those plans, by hard work and necessary attention.

Respectfully submitted, &c.”

That the above communication accords with all our previous legislation on this subject, may be seen from our published reports, a volume of which I herewith submit for examination.

And not only is it the expectation of the people of our State, that we shall go forward boldly and foster the settlement at Grand Cape Mount, but it is likewise the expectation of the people of Liberia, and the emigrants from Indiana, as will appear from the following communications.

The following is an extract from a letter addressed by President Roberts to the secretary of the American colonization society, dated May 15th, 1855, written from Monrovia :

“ I returned, two or three weeks ago, from Grand Cape Mount, whither I have been, as you are already apprised, to found a new settlement. The chiefs and natives generally, received us very kindly, and expressed much satisfaction at having a civilized community in their midst, and especially in view of having by that means peace restored to the country.

Besides the great good that will be accomplished in putting an end to the feuds and wars which have so long distracted that country, other considerations—religious, agricultural, and commercial—make it desirable to have a settlement there ; and these have weighed with the government for some years past, but the want of funds to meet the necessary expenses has hitherto delayed the undertaking ; and even now the public finances do not warrant the outlay, some fifteen thousand dollars, the present year ; yet every other circumstance so favored the enterprise, just at this time, that the legislature determined to make the effort, under the hope of receiving some assistance from the Indiana colonization society ; and I trust we may not be disappointed in this hope, or in the hope of obtaining assistance from some quarter. If so, we shall have incurred an expense that will weigh heavily upon the government.”

In addition to the above, he addressed the following letter to me :

“ GOVERNMENT HOUSE, }  
Monrovia, October 13th, 1855. }

“ DEAR SIR :—Some months ago I addressed you, via England, a pretty long letter in regard to the establishment we had formed at Grand Cape Mount, and had hoped before this time to have received your reply. I am anxious to learn what are the present views of the Indiana society, with respect to locating their emigrants at this place.

I returned, a few days ago, from a visit to Grand Cape Mount, and am pleased to be able to inform you that the new settlement there is progressing finely.

We have succeeded in settling nearly all the difficulties which for years have subsisted between the chiefs of that district, and now the prospects of a flourishing community springing up there are most encouraging. Than Cape Mount, no point of our coast possesses greater natural advantages for commerce and agriculture.

Will you be good enough to drop me a line, at as early a period as you may find it convenient, to say what are the intentions of your society with respect to occupying Cape Mount.

Yours respectfully,

J. J. ROBERTS.

REV. J. MITCHELL."

We have likewise received a letter from S. B. Webster, a man of color, who emigrated from Lafayette to Liberia about three years ago, who is now at Grand Cape Mount, acting as a pioneer:

"ROBERTS' POINT, Grand Cape Mount, }  
July 5th, 1855. }

REV J. MITCHELL:

DEAR SIR:—It is with pleasure I write you a few lines, informing you of my health, condition, &c. This day, through the mercy of God, finds me acting as school teacher at the beautiful point of Grand Cape Mount. I am teaching school in the garrison amongst the soldiers and the few children in the settlement.

We have a fine country here, and the best water I have found in Africa, is running from the mountain. Fish and wild game are abundant. I cannot speak so positive of the soil, as I have not tried it myself. But this much I can say, I find potatoes, cassava, beans, cabbage, corn, pumpkins, and in addition to these, Irish potatoes and onions, things I have not seen growing on the coast before.

As to my health, it is as good as when I left America. Yesterday I took a walk of three or four miles, around the edge of the mountain, and I saw several places where the water gushed out of the side of the hill in sufficient quantity for the largest sized mill in the State of Indiana. The water in this country is all good. I find none of those green stagnant ponds that we have in America.

The President came up here six weeks ago, and called the head men together and settled the difficulties which existed amongst them, so that there is perfect peace.

As to sending emigrants to this place, let me know, if you please, the prospect, as those soldiers volunteered with the expectation that an emigration would be out in three months from the date of their arrival here, which was one year last April. If our people



intend coming, they had better come soon, to get the first choice of land, for an agent from New York is now on a visit here. He has been here and selected part of the plot I wish for our people. If our people do not come out, I will be obliged to fall in with the New York emigrants. Please write to me.

Yours, &c.,

S. B. WEBSTER."

SIR:—Permit me to impress the necessity of consulting the views and wishes of our colored people who are disposed to emigrate, and those who have the labor to perform, of directing their attention to emigration. During the period that the plan of settlement at Grand Cape Mount was kept before our people of color, *seventy-four* moral and worthy emigrants went from this State to Liberia; but the moment Mr. Mills abandoned that plan, emigration stopped, and McKay, our colored agent, much against my will, resigned his commission and refused to act for the board; nor could he be much blamed, seeing his feelings were so much enlisted in the original plan. Therefore, to meet the wishes of those colored persons for whose benefit you legislate, it will be well to return to the original plan, and thus meet the wishes of the Indiana emigrants in Liberia, and thus present to the people of our State an object of a tangible character, to which they may direct their gifts.

I will now submit as a close to this plea for *liberal action*, a short correspondence with Mr. Pinney, the manager of the colonization work in New York:

"REV. MR. PINNEY, *Cor. Sec'y of N. Y. Col. Soc.*

DEAR SIR:—Be so good as to give me such information as you may have, in regard to the expense of the settlement at Grand Cape Mount, as it is the desire of the State board to aid the government of Liberia in planting said settlement.

Very respectfully,

J. MITCHELL.

WASHINGTON, Jan. 23, 1857.

MY DEAR SIR:—I was in Liberia in 1854 and 1855, and had several conversations with President Roberts, who was then urging a bill through the legislature, to authorize him to make a settlement at Cape Mount. He referred to the correspondence with Gov. Wright of Indiana, and expressed the hope that a portion of the burthen at least, would be borne by Indiana. The legislature set apart a credit of \$12,000, and seventy-five men were hired for one year, and employed in clearing land, erecting a fort and stockade, and building houses. I furnished him with provisions at a low price, from a surplus of stores from our society. Our board granted a portion of these as a donation, to aid President Roberts.

President Benson informs us that the special claim upon their treasury demands relief from us. He represents the expenses of



Cape Mount the second year, as nearly \$6,000. Our society has just landed one hundred emigrants there, and erected a receptacle at a cost of \$6,000. A school is opened for the emigrants. I think Cape Mount a most excellent site for a settlement. If Indiana can persuade a few hundred of her most respectable and industrious free colored people to emigrate and settle there, they will find a delightful home, and occupy one of the most important points of the African coast, to cut off and prevent the slave trade.

With much respect,

I am truly and respectfully yours,

J. B. PINNEY.

REV. MR. MITCHELL, Washington, Jan. 23, 1857."

Permit me, in concluding this representation, to express the hope that your honorable body will give such direction to the board, by joint resolution, or otherwise, as will result in prompt relief to the government of Liberia, and likewise that the usual annual appropriation of \$5,000 per annum will be voted without other restriction than the discretion of the board.

Respectfully submitted,

J. MITCHELL,

*Sec'y State Board of Colonization.*

INDIANAPOLIS, Feb. 5, 1857.

Which report was concurred in.

Mr. Williams of Lagrange, from a select committee made the following report :

MR. SPEAKER :

The select committee, to whom was referred House bill No. 56, entitled an act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act, beg leave to report, that they have had the same under consideration, and ask leave to report the same back to this House, and ask that the instructions accompanying said bill be withdrawn, or the vote taken recommitting the bill be reconsidered, that the bill may be allowed to pass as originally introduced.

The question being on concurring in the report,

The ayes and noes were demanded by Messrs. Grose and Neal.

*Those who voted in the affirmative were,*

Messrs. Blake, Branham, Bryan, Clapp, Claypool, Conner of Hamilton, Crawford, Cullen, Davis of Sullivan, Evans, Grose, Hawkins, Hoagland, Hutchings, Jefferis, Kerr, Lane, Lewis, Mercer, Merrifield, Moon, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neff, Price, Reese, Ricketts, Schermerhorn,

Sherrod, Shuman, Sloss, Steele, Stone, Todd, Vawter, Wagner, and Williams of Lagrange —39.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Allen, Ayres, Ballenger, Batterton Bethell, Bowman, Boyd, Branson, Brown, Carnahan, Clark, Conner of Wabash, Conduitt, Crowe, Davis of Hendricks, Denby, Dobbins, Duncan, Early, Edson, Herod, Humphreys, Landiss, Larue, Massev. Marvin, Modesitt, Moore, McDaniel, Neal, Reyman, Robbins, Shoulders, Slicer, Smith of Bartholomew, Stillwell, Taggart, Trippet, Van Sandt, Wallace, Whitcomb, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker.—48.

So the report was not concurred in.

Mr. Larue moved to reconsider the vote just taken.

Mr. Taggart moved the House adjourn,  
Which was not agreed to.

Mr. Taggart moved to postpone the further consideration of the subject until to-morrow, 3 o'clock, and make it the special order of the day for that hour.

Mr. Taggart moved the House adjourn,  
Which was not agreed to.

Mr. Smith of Delaware moved a call of the previous question,  
Which was seconded by the House.

The question being, shall the main question be now put?  
It was agreed to.

The question being, on reconsidering the vote taken on refusing to concur in the report of the committee,

The ayes and noes were demanded by Messrs. Marvin and Austin.

*Those who voted in the affirmative were,*

Messrs. Austin, Ayres, Blake, Boyd, Branham, Bryan, Clapp, Claypool, Conner of Hamilton, Crawford, Crowe, Cullen, Davis of Sullivan, Evans, Grose, Hawkins, Hutchings, Hoagland, Jefferis, Kerr, Lane, Larue, Lewis, Mercer, Merrifield, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neal, Neff, Price, Reese, Reyman, Ricketts, Schermerhorn, Sherrod, Shuman, Sloss, Steele, Stone, Todd, Van Sandt, Vawter, Wagner, Whitcomb, and Williams of Lagrange—47.

*Those who voted in the negative were,*

Messrs. Allen, Bethell, Bowman, Branson, Brown, Carnahan, Clark, Conner of Wabash, Denby, Dobbins, Duncan, Early, Edson,  
H. J.—32.

Herod, Humphreys, Landiss, Massey, Marvin, Modesitt, Moore, McDaniel, Robbins, Shoulders, Slicer, Smith of Bartholomew, Taggart, Trippet, Wallace, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker—34.

So the vote was reconsidered.

The question being, on concurring in the report of the committee,

Mr. Grose moved a call of the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was agreed to.

The question being, on concurring in the report of the committee,

The ayes and noes were demanded by Messrs. Grose, and Marvin.

*Those who voted in the affirmative were,*

Messrs. Austin, Ayres, Blake, Branham, Bryan, Clapp, Claypool, Conner of Hamilton, Crawford, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Evans, Grose, Hawkins, Hoagland, Hutchings, Jefferis, Kerr, Lane, Larue, Lewis, Mercer, Merrifield, Moon, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neal, Neff, Price, Reese, Reyman, Ricketts, Schermerhorn, Sherrod, Shuman, Sloss, Steele, Stone, Todd, Van Sandt, Vawter, Wagner, Whitcomb, and Williams of Lagrange—48.

*Those who voted in the negative were,*

Messrs. Abel, Allen, Bethell, Bowman, Boyd, Branson, Brown, Carnahan, Clark, Conner of Wabash, Dobbins, Duncan, Early, Edson, Herod, Humphreys, Landiss, Massey, Marvin, Modesitt, Moore, McDaniel, Robbins, Shoulders, Slicer, Smith of Bartholomew, Taggart, Trippet, Wallace, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker—34.

So the report was concurred in.

Mr. Marvin moved to recommit the bill, with the following instructions:

To enquire if the provisions of said bill are not unconstitutional.  
Pending which,

On motion by Mr. Blake,

The House adjourned.

WEDNESDAY MORNING, 9 o'clock, }  
February 11th, 1857. }

The House met.

The journal was read and adopted.

PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Kerr,

A petition signed by Theodore Day, in reference to the capture of a fugitive from justice.

Which,

On motion,

Referred to the committee on claims.

By Mr. Kerr,

A petition signed by Thomas A. Kerr, in reference to the capture of a fugitive from justice.

Which,

On motion,

Referred to the committee on claims.

By Mr. Conner of Wabash,

A petition signed by Milton Brown and others, in reference to the township law.

Which,

On motion,

Was referred to the committee on county and township business.

REPORTS FROM COMMITTEES.

Mr. Blake, from the committee on the judiciary, made the following report:

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 93, to amend an act in regard to rules, practice, pleadings, &c., have had the same under consideration, and directed me to report the same back, and recommend its indefinite postponement.

Which report was concurred in.

Mr. Claypool, from the committee on the judiciary, made the following report:

**MR. SPEAKER:**

The judiciary committee, to whom was referred House bill, No. 150, being "a bill to regulate the business of insurance companies, not incorporated by the State of Indiana," &c., have had the same under consideration, and directed me to report the same back and recommend its passage.

Which report was concurred in, and the bill was ordered to be engrossed.

Mr. Kerr, from the committee on the judiciary, made the following report:

**MR. SPEAKER:**

The judiciary committee, to whom was referred the petition of Charles H. Mason and others, citizens of Perry county, praying for the imposition of a docket fee of five dollars upon every non-resident plaintiff in any action in the courts of this State, have had the same under consideration, and directed me to report the same back to the House, with the opinion of the committee, that the prayer of said petition cannot be granted consistently with the constitution of the United States, or the constitution of the State of Indiana, and to recommend the indefinite postponement of the subject.

Which was concurred in.

Mr. Blake, from the committee on the judiciary, made the following report:

**MR. SPEAKER:**

The judiciary committee, to whom was referred the petition of Geo. Cecil and others, asking for a repeal of that portion of "an act to revise, simplify and abridge the rules, practice, pleadings and forms," &c., approved June 18th, 1852, as relates to canal boats, have had the same under consideration, and directed me to report, as the opinion of the committee, that it would be inexpedient to grant the prayer of the petition.

On motion by Mr. Cullen,  
The report was laid on the table.

Mr. Conner of Wabash, from the committee on the judiciary, made the following report:

MR. SPEAKER :

The committee on the judiciary, to whom was referred House bill No. 137, have had the same under consideration, and direct me to report the same back to the House, with the following amendment: Strike out all after the enacting clause, and insert the accompanying amendment, and recommend its passage:

That section number 103 of article 10 of chapter 1, of the revised statute of 1852, being an act, entitled an act to amend an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State, which reads as follows:

“The jury being impaneled and sworn, the trial may proceed in the following order:

*First.*—The prosecuting attorney must state the case, and offer the evidence in support of the prosecution.

*Second.*—The defendant or his counsel, may then state his defense, and offer evidence in support thereof.

*Third.*—The parties may then respectively offer rebutting testimony only, unless the court, for good reason, in furtherance of justice, permit them to offer evidence upon their original case.

*Fourth.*—When the evidence is concluded, unless the case is submitted without argument, the prosecuting attorney must commence, and the defendant or his attorney, may conclude the argument to the jury.

*Fifth.*—The court must then charge the jury,” be, and the same is hereby so amended as to read as follows: The jury being empaneled and sworn, the trial may proceed in the following order:

*First.*—The prosecuting attorney must state the case, and offer the evidence in support of the prosecution.

*Second.*—The defendant or his counsel, may then state his defense, and offer his evidence in support thereof.

*Third.*—The parties may then respectively offer rebutting testimony only, unless the court for good reason, in furtherance of justice, permit them to offer evidence upon their original case.

*Fourth.*—When the evidence is concluded, unless the case is submitted without argument, the prosecuting attorney may open the argument to the jury, the defendant or his attorney may follow, when the prosecuting attorney may conclude the same, as in civil causes where the plaintiff has the affirmative of the issue.

On motion by Mr. Grose,  
The amendment and report were laid on the table.

Mr. Colgrove, from the committee on the judiciary, made the following report:



**MR. SPEAKER :**

The committee on the judiciary, to whom was referred House bill No. 52, have had the same under consideration, and have directed me to report the same back and recommend its passage:

No. 52. A bill to amend the 31st section of an act, entitled an act dividing the State into counties, defining their boundaries and defining the jurisdiction of such as border on the Ohio and Wabash Rivers, approved June 7th, 1852, &c.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Colgrove, from the committee on the judiciary, made the following report :

**MR. SPEAKER :**

The committee to whom was referred the following resolution, have had the same under consideration, and have instructed me to report, as the opinion of the committee, that legislation upon the subject would be inexpedient.

Which report was concurred in.

Mr. Conner of Wabash, from the committee on the judiciary, made the following report :

**MR. SPEAKER :**

The committee on the judiciary have directed me to report the accompanying bill, No. 192, amending sec. 315, being "an act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State," and recommend its passage.

Which bill was read a first time, and passed to a second reading.

Mr. Blake, from the committee on the judiciary, made the following report :

**MR. SPEAKER :**

The judiciary committee, to whom was referred House bill No. 101, being "a proposition to amend the second section of article second, of the constitution of the State." have had the same under consideration, and directed me to report the same back, and recommend its passage.

No. 101. A bill to amend the second section of article second of the constitution of the State of Indiana.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Conner of Wabash, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 90, have had the same under consideration, and directed me to report the same, back with an amendment striking out all after the enacting clause, and inserting the accompanying amendment, and when so amended, recommend its passage :

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section fifty-five of chapter seven of the laws of 1855, being "an act to authorize and regulate the business of general banking," which said section reads as follows: "The Auditor of State shall give bond with security, in the sum of twenty-five thousand dollars, and the Treasurer of State shall give bond with security, in the sum of fifty thousand dollars, payable to the State of Indiana, conditioned for the faithful performance of their respective duties under this act; which bonds and security shall be approved by the Governor, and his approval shall be endorsed on the bonds, which shall then be placed by him in the office of the Secretary of State, who shall file and deposit them in his office; and suit may be brought thereon for the use of any person or persons or banking association, which may be injured by any breach of duty on the part of said Auditor or Treasurer in relation to any duties required of them respectively by this act. The Auditor shall receive a salary of fifteen hundred dollars, and the Treasurer of State shall receive eight hundred dollars salary, in addition to all other fees and salaries for the performance of all the duties required of them by this act; which salaries shall be paid out of the State treasury, which amount shall be repaid to the State treasury by the banks, in the form of a fee of one per cent. on each bill for circulation, signed by the Auditor; and if said fee does not amount to a sum sufficient to repay the same, the residue shall be apportioned equally amongst the banks, and retained out of their interest on their bonds, unless otherwise paid by the respective banks upon being duly informed of the amount thereof," be, and the same is hereby amended, so as to read as follows: "The Auditor of State shall give bond with security, in the sum of fifty thousand dollars, and the Treasurer of State shall give bond with security, in the sum of fifty thousand dollars, payable to the State of Indiana, conditioned for the faithful discharge of their respective duties under this act; which bonds and security shall be approved by the Governor, and his approval shall be endorsed on the bonds, which shall then be placed by him in the office of the Secretary of State, who shall file and deposit them in his office; and suit may be brought thereon for the use of any person or persons, or banking association, which may be injured by any breach of duty on the part of said Auditor or Treasurer, in rela-

tion to any duties required of them respectively by this act. The Auditor shall receive a salary of fifteen hundred dollars, and the Treasurer of State shall receive eight hundred dollars salary, in addition to all other fees and salaries, for the performance of all the duties required of them by this act ; which salaries shall be paid out of the State treasury, which amount shall be repaid to said treasury by the banks, in the form of a fee of one per cent. on each bill for circulation, signed by the Auditor ; and if said fee does not amount to a sum sufficient to repay the same, the residue shall be apportioned equally amongst the banks, and retained out of their interest on their bonds, unless otherwise paid by the respective banks, upon being duly informed of the amount thereof.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Larue, from the committee on fees and salaries, made the following report :

MR. SPEAKER :

The committee on fees and salaries, to whom was referred House bill No. 119, a bill regulating the fees of county auditors, have instructed me to report said bill back to the House, with the following amendment : Strike out "fifteen cents," and insert "ten cents," in the clause of the bill regulating fees for transfers on the tax duplicate ; and when so amended, to recommend the passage of the bill.

The report was concurred in, the amendment adopted, and the bill ordered to be engrossed.

Mr. Stillwell, chairman of the committee on fees and salaries, made the following report :

MR. SPEAKER :

The committee on fees and salaries, to whom was referred House bill No. 42, a bill relative to the salaries of public officers, appropriation and providing the manner of paying the same, have had the same under consideration, and have directed me to report the same back, and ask that all after the enacting clause be stricken out, and the following sections inserted ; after which a majority of said committee recommend its passage :

Strike out all after the enacting clause, and insert the following:

That there shall be allowed to the several officers hereinafter named, the following salaries, that is to say :

*First*—To the Governor, fifteen hundred dollars until the second Monday in January, A. D. 1861, and from and after that date, twenty-five hundred dollars ;

*Second*—To the Secretary of State, fifteen hundred dollars ;

*Third*—To the Judges of the Supreme Court, each, two thousand dollars;

*Fourth*—To the Judges of the Circuit Courts, each, fifteen hundred dollars;

*Fifth*—To the State Librarian, eight hundred dollars;

*Sixth*—To the Governor's Private Secretary, five hundred dollars;

To be paid quarterly out of any moneys in the public treasury belonging to the general fund, and not otherwise specially appropriated by law, upon warrants drawn by the Auditor, on the first day of January, April, July, and October of each year.

SEC. 2. That there shall be paid to the judges of the common pleas court, each, the sum of eight hundred dollars, which shall be paid quarterly, out of the county treasury, and when two or more counties form a district, each shall pay its proportion, on the basis of population, according to the last enumeration, or census by the United States.

SEC. 3. That the Governor of this State, be, and he is hereby allowed the sum of thousand dollars per annum, from the 12th day of January, A. D. 1857, for his services in attending to the swamp lands of this State, to be paid quarterly, upon the warrant of the Auditor of State, out of any moneys in the treasury not otherwise by law specially appropriate: *Provided*, Said allowance shall not be continued for a longer period than four years from the date last above mentioned, and until such time as the swamp lands shall be taken up and entered.

On motion by Mr. Davis of Sullivan,  
The report and bill were laid on the table.

On motion,  
Leave of absence was granted Messrs. Wright and Hayden.

#### ORDERS OF THE DAY.

The question pending being, shall House bill No. 56, a bill to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act, pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Austin, Batterton, Blake, Branham, Bryan, Claypool, Conner of Hamilton, Crawford, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Evans, Grose, Hoagland, Hutchings, Jeffers, Kerr, Lane, Lewis, Larue, Merrifield, Moon, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neal, Neff, Price, Reese, Ricketts, Schermerhorn, Sherrod, Shuman, Sloss, Smith of Delaware, Steele, Stone, Todd, Van Sandt, Vawter, Wagner, and Williams of Lagrange—46.

*Those who voted in the negative were,*

Messrs. Abel, Allen, Ayres, Bethell, Bowman, Boyd, Branson, Brown, Carnahan, Clapp, Clark, Conner of Wabash, Conduitt, Dobbins, Duncan, Early, Edson, Herod, Humphreys, Landiss, Massey, Marvin, Modesitt, Moore, McDaniel, McFarland, Reyman, Robbins, Shoulders, Slicer, Smith of Bartholomew, Taggart, Trippet, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker—41.

So the bill failed for want of a constitutional majority.

The hour having arrived for the special order of the day on House bill No. 6, a bill entitled an act concerning interest on money;

The pending question being, shall the vote on the passage of the bill be reconsidered,

Pending which,

On motion by Mr. Humphreys,

The House adjourned.

2 O'CLOCK, P. M.

The House met.

The pending question being, shall the vote on the passage of House bill No. 6, be reconsidered,

Mr. Williams of Lagrange moved to lay the motion on the table.

The ayes and noes were demanded by Messrs. McDonald of  
x.

*Those who voted in the affirmative were,*

Messrs. Austin, Ayres, Batterton, Bethell, Blake, Boyd, Branhams, Bryan, Clapp, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Davis of Sullivan, Denby, Early, Evans, Grose, Hawkins, Hutchings, Jefferis, Kerr, Larue, Mercer, Merrifield, Moon, McFarland, McGinnis, Neal, Price, Reyman, Ricketts, Shuman, Sloss, Smith of Bartholomew, Smith of Delaware, Steele,

Stillwell, Stone, Taggart, Todd, Trippet, Van Sandt, Vawter, Wagner, Whitcomb, Williams of Lagrange, and Yater—49.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Allen, Ballenger, Bowman, Branson, Brown, Carnahan, Clark, Conduitt, Crowe, Cullen, Dobbins, Duncan, Edson, Herod, Hoagland, Humphreys, Landiss, Lane, Lewis, Massey, Marvin, Modesitt, Moore, McDaniel, McDonald of Fountain, McDonald of Lake, McKinney, Neff, Reese, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Wallace, Ward, Wiley, Williams of Knox, Williamson, and Mr. Speaker—42.

So the motion was laid on the table.

#### RESOLUTIONS.

On motion by Mr. Sherrod,

*Resolved*, That the committee on ways and means be requested to examine the Governor's mansion, and ascertain if any, and what repairs are necessary, and report by bill or otherwise.

On motion by Mr. Marvin,

*Resolved*, That the president of the State board of agriculture be requested to report to this House at its earliest convenience, the amount of receipts and expenditures of the said board, from all sources, for the past year; also, to report the amount the said board has received from the Treasurer of State for the ordinary expenses of said board, and to whom, and for what, the said amount was paid.

On motion by Mr. Price,

*Resolved*, That the committee on swamp lands be instructed to enquire into the expediency of restricting the entries of swamp lands to 80 acres by one purchaser, and report by bill or otherwise.

On motion by Mr. Shoulders,

*Resolved*, That the committee on fees and salaries be instructed to enquire into the expediency of so amending the present law regulating the fees of justices of the peace, for taking up appeals from his docket to the circuit court, and courts of common pleas, as to allow them fifty cents, and mileage five cents, for going to and returning from the clerk's office, and report by bill otherwise, at as early a day as convenient.



On motion by Mr. Humphreys,

*Resolved*, That the Clerk and assistant clerks, and the Door-keeper and assistant doorkers of this House, be furnished with post office stamps, equal to the amount which has been furnished the members of this House, respectively.

Mr. Grose offered the following preamble and resolution :

WHEREAS, The State printing and binding, under the law now in force are enormously expensive to the people of the State; AND WHEREAS, Rumor says, that impositions in the way of charges, measurement, &c., have been, and are being practiced upon the State, in about the same; AND WHEREAS, There is reason to believe that the said printing and binding can be done as well as it is now executed at a reduction from twenty to fifty per cent. below prices now paid, whereby a saving to the tax payers of the State can be made of thousands of dollars annually.

Mr. Davis of Sullivan moved to lay the resolution on the table, The ayes and noes were demanded by Messrs. Clapp and Grose.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Bethell, Blake, Bowman, Boyd, Branson, Brown, Bryan, Carnahan, Clark, Claypool, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Early, Edson, Hoagland, Humphreys, Kerr, Lane, Lewis, Marvin, McDaniel, McDonald of Fountain, McGinnis, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Sherrod, Slicer, Smith of Bartholomew, Stillwell, Taggart, Tippet, Wallace, Willey, and Williams of Knox—43.

*Those who voted in the negative were,*

Messrs. Austin, Ayres, Ballenger, Batterton, Branham, Clapp, Colgrove, Conner of Hamilton, Conduitt, Crawford, Davis of Hendricks, Duncan, Evans, Grose, Hawkins, Herod, Hutchings, Jefferis, Landiss, Larue, Mercer, Merrifield, Modesitt, Moon, Moore, McDonald of Lake, McFarland, McKinney, Neal, Price, Shuman, Sloss, Smith of Delaware, Steele, Stone, Todd, Vawter, Wagner, Ward, Whitcomb, Williams of Lagrange, Williamson, Yater, and Mr. Speaker.—44.

So the resolution was not laid on the table.

The question being, on the adoption of the resolution ?

The ayes and noes were demanded by Messrs. Humphreys and McDonald of Lake.

*Those who voted in the affirmative were,*

Messrs. Ballenger, Batterton, Branham, Brown, Bryan, Clapp, Colgrove, Conner of Hamilton, Crawford, Davis of Hendricks, Evans, Grose, Hawkins, Hutchings, Jefferis, Larue, Mercer, Merri-field, Moore, McFarland, McKinney, Neal, Neff, Robbins, Shuman, Sloss, Smith of Delaware, Steele, Stone, Wagner, Ward, Whitcomb, Williams of Knox, Williams of Lagrange, Yater, and Mr. Speaker—37.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Allen, Ayres, Bethell, Blake, Bowman, Boyd, Carnahan, Clark, Claypool, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Duncan, Early, Edson, Herod, Hoagland, Humphreys, Kerr, Landiss, Lane, Lewis, Massey, Marvin, Modesitt, McDaniel, McDonald of Fountain, McGinnis, Reese, Reyman, Ricketts, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Stillwell, Taggart, Trippet, Wallace, Wiley, and Williamson—46.

So the resolution was not agreed to.

The hour for the meeting of the joint convention of the two Houses of the General Assembly having arrived, the Senate, preceded by the Lieutenant Governor, appeared within the hall of the House, where seats were provided for them on the right of the Speaker's chair.

The President addressed the convention as follows :

GENTLEMEN :—The joint convention now meets pursuant to adjournment, on Wednesday, February 4th, 1857. The convention having, at its preceding meeting, elected two United States Senators, and there being now no further business to transact, I declare the same adjourned, *sine die*.

I hereby certify that the foregoing journal of the proceedings of the joint convention is correct.

SOLON TURMAN,  
*Sec'y of Joint Convention.*

Mr. Grose offered a resolution.

The chair decided the resolution out of order.

Mr. Grose appealed for the decision of the chair.

The question being, shall the decision of the chair stand as the decision of the House?

The ayes and noes were demanded by Messrs. McDonald of Lake and Grose.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Ayres, Bethell, Blake, Bowman, Boyd, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Claypool, Conner of Hamilton, Conduitt, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Duncan, Early, Edson, Evans, Herod, Hoagland, Humphreys, Jefferis, Kerr, Landiss, Lane, Lewis, Massey, Marvin, Modesitt, Moore, McDaniel, McDonald of Fountain, McDonald of Lake, McFarland, McGinnis, McKinney, Neff, Reese, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Taggart, Trippet, Wallace, Ward, Wiley, Williams of Knox, Williams of Lagrange, Williamson, and Yater—64.

*Those who voted in the negative were,*

Messrs. Austin, Ballenger, Batterton, Grose, Larue, Mercer, Moon, Neal, Steele, and Todd—10.

Mr. Stone present and refused to vote.

Mr. Neff offered the following resolution :

*Resolved*, That the committee on corporations be instructed to report a bill, amending an act providing for the incorporation of railroad companies, so as to allow stockholders to cast but one vote in the election of directors, on any amount of stock owned.

The ayes and noes were demanded by Messrs. Neff and Humphreys.

*Those who voted in the affirmative were,*

Messrs. Conner of Hamilton, Dobbins, Lane, Moore, McKinney, and Neff—6.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Claypool, Colgrove, Conduitt, Crawford, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Denby, Duncan, Early, Edson, Evans, Grose, Hawkins, Herod, Hoagland, Humphreys, Jefferis, Kerr, Landiss, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, McDaniel, McDonald of Fountain, McDonald of Lake, McFarland, McGinnis, Neal, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Steele, Stillwell, Stone, Taggart, Trippet, Vaw-

ter, Wallace, Ward, Whitcomb, Wiley, Williams of Lagrange, Williamson, Yater, and Mr. Speaker—76.

So the resolution was not agreed to.

On motion by Mr. Taggart,

*Resolved*, That the committee on temperance be requested to report to this House a bill at as early day as practicable, and if, from any cause, they should be unable so to do, they be requested to inform this House of such fact immediately.

Mr. Branson offered the following preamble and resolution :

**WHEREAS**, It appears from the report of the Auditor of State, that some sheriffs have claimed ten cents per mile additional mileage, on their return home from conveying convicts to the State prison, for any additional convicts more than one : **AND WHEREAS**, It is believed that such was not the intention of the law, therefore, be it

*Resolved*, That the committee on fees and salaries be instructed to enquire into the expediency of reporting a bill explanatory of that part of section 5 of an act, entitled "an act regulating the fees of officers, and repealing all former acts in relation thereto," as relates to sheriffs' fees for taking convicts to State prison.

Which was agreed to.

On motion by Mr. Humphreys,

The rule was suspended, and House bill No. 167, a bill to apportion Senators and Representatives in the State of Indiana,

Was taken from the table, and made the special order of the day for Tuesday next, at 2 o'clock P. M.

On motion by Mr. Wallace,

*Resolved*, That the committee on the rights and privileges of the inhabitants of the State be instructed to enquire into the expediency of so amending the law regulating the tolls of water grist mills, as to include steam grist mills, and regulating the toll thereof, and report to this House by bill or otherwise, at an early day.

Mr. Wiley offered the following resolution:

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of passing a law to tax only three witness fees against the judgment defendant, in any one cause, and that each litigant be taxed with all costs he may make, in any one

cause, except as above stated, and that they report by bill or otherwise.

Which was not agreed to.

Mr. Blake offered the following resolution :

*Resolved*, That a special committee of three be appointed, to revise the rules of this House, and report as soon as practicable.

Which was not agreed to.

Mr. Neal offered the following resolution :

*Resolved*, That the committee on ways and means be instructed to enquire into the expediency of reporting a bill, making it the duty of the county commissioners of each county in this State, to purchase and place in the recorder's office of each county, a good and sufficient fire proof safe, which shall be used for the purpose of keeping the general indexes of deeds and mortgages, and that they have leave to report by bill or otherwise.

Which was not agreed to.

On motion by Mr. Evans,

*Resolved*, That the committee on swamp lands be requested to enquire into the expediency of reporting a bill to this House at their earliest convenience, requiring swamp land commissioners in counties where there may be at this time, swamp lands neither ditched nor drained in accordance with an act of Congress, passed in the year 1850, directing swamp lands to certain States, India included, to ascertain, if possible, the amount of money due each of their respective counties, from the State Treasury, on account of the sales of swamp lands, and then proceed at once to the ditching and draining of said swamp lands, and after completion draw warrants on the State Treasurer for funds to defray the expenses of the same. Also, making it the imperative duty of the Treasurer of State to redeem all such warrants, properly drawn and signed by such swamp land commissioners of their respective counties, provided that said warrants do not exceed in amount that which may be due the said counties on swamp land accounts.

Mr. Neff offered the following resolution :

*Resolved*, That the committee on county and township business enquire into the expediency of county commissioners furnishing justices of the peace with suitable dockets, free of charge.

Which was not agreed to.

Mr. Early offered the following resolution:

*Resolved*, That the committee on county and township business be instructed to enquire into the expediency of giving to the board of county commissioners or township trustees, power to allow persons to swing gates on county roads.

Which was not agreed to.

#### BILLS INTRODUCED.

By Mr. Dobbins,

No. 193. A bill to designate the time and manner of electing senators in Congress, and State officers who are chosen by the General Assembly.

Which was read a first time, and passed to a second reading.

By Mr. Smith of Bartholomew,

No. 194. A bill to amend sections 64, 65, 66, 67, 70, 71, 72 and 73, of an act, entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852, so as to abolish the office of township assessor, and to provide for the election of county assessors.

Which was read a first time, and passed to a second reading.

By Mr. Hoagland,

No. 195. A bill defining the rights of, and providing remedy for, purchasers of the property corporate, franchises, rights, privileges, covenants, immunities and effects of the plank road, turnpike and railroad companies.

Which was read a first time, and passed to a second reading.

By Mr. Bethell,

No. 196. A bill to amend sections 12 and 13 of an act to organize the militia, providing for the appointment, and prescribe the duties of certain officers thereof, and for the more efficient organization of the militia.

Which was read a first time, and passed to a second reading.

By Mr. Williamson,

No. 197. A bill to compel owners of town lots, to grade and pave side walks.

Which was read a first time, and passed to a second reading.



By Mr. Steele,

No. 198. A bill authorizing the Treasurer and Auditor of State to change the denomination of bonds issued under the law of 1855.

Which was read a first time, and passed to a second reading.

By Mr. Conner of Hamilton,

No. 199. A bill to authorize the State of Illinois to maintain the Calumet Feeder Dam, and securing the use of the waters of the Calumet river, and providing the manner of assessing damages sustained by the citizens of Indiana by the erection thereof, and regulating the draining of swamp lands adjacent to the Calumet river in the State of Indiana.

Which was read a first time, and passed to a second reading.

By Mr. Schermerhorn,

No. 200. A bill to authorize the Governor to appoint commissioners to take acknowledgment of deeds or other contracts, and depositions in foreign countries, and to amend section 1 of an act, entitled "an act authorizing the appointment, and prescribing the powers of commissioners in the States to take acknowledgments of deeds and other instruments, and depositions," approved May 31, 1852.

Which was read a first time, and passed to a second reading.

By Mr. Denby,

No. 201. A bill to amend section 32, of chapter six of the revised statutes of 1852, being an act, entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.

Which was read a first time, and passed to a second reading.

By Mr. Trippet,

No. 202. A bill to amend the first section of an act, entitled an act to provide for a general and uniform system of common schools, and school libraries, and matters properly connected therewith, approved June 14, 1852.

Which was read a first time, and passed to a second reading.

By Mr. Taggart,

No. 203. A bill to amend the second section of an act, entitled an act to amend the 24th, 31st, 33d, and 37th section of an act,

entitled an act to provide for the opening, vacating and change of highways, approved June 17, 1852, approved March 3, 1855.

Which was read a first time, and passed to a second reading.

By Mr. Cullen,

No. 204. A bill in relation to subscribers to the stock of any contemplated railroad, before the formation of the corporation, the effect thereof, and how the same may be enforced.

Which was read a first time, and passed to a second reading.

By Mr. Grose,

No. 205. A bill to regulate the selling of spirituous or intoxicating liquors, and for the suppression of evils arising therefrom.

Which was read a first time, and passed to a second reading.

By Mr. Ricketts,

No. 206. A bill to provide for the collection, safe keeping, transfer and disbursement of the State and county revenue.

Which was read a first time, and passed to a second reading.

By Mr. Merrifield.

No. 207. A bill to amend the title of "an act concerning licenses to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show and legerdemain."

Which was read a first time, and passed to a second reading.

By Mr. Williamson,

No. 208. A bill authorizing and requiring executors, administrators and guardians, to give notice of the time at which they intend to make final settlement.

Which was read a first time, and passed to a second reading.

By Mr. Kerr,

No. 209. A bill to amend the sixth section of an act, entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852, so as to exempt certain property therein named from taxation.

Which was read a first time, and passed to a second reading.

By Mr. Kerr,

No. 210. A bill to amend the 26th section of an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for, the judges thereof, approved May 14, 1852.

Which was read a first time, and passed to a second reading.

By Mr. Edson,

No. 211. A bill authorizing the recording of patents for lands, and making such records, and copies from such records, evidence; and allowing recorder's fees for recording the same.

Which was read a first time, and passed to a second reading.

By Mr. Williamson,

No. 212. A bill to amend section one of an act, entitled "an act authorizing proceedings to try the right of property seized by virtue of any writ of execution or attachment, and claimed by any person other than the execution or attachment defendant," approved June 10, 1852.

Which was read a first time, and passed to a second reading.

By Mr. Kerr,

No. 213. A bill to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same.

Mr. Kerr moved to suspend the rules, and read the bill a first time by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Bethell, Batterton, Blake, Bowman, Boyd, Branham, Branson, Brown, Clapp, Colgrove, Conner of Wabash, Condit, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Denby, Duncan, Early, Edson, Evans, Grose, Hawkins, Hoagland, Humphreys, Hutchings, Jefferis, Kerr, Landiss, Lane, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moon, McDaniel, McDonald of Lake McFarland, McGinnis, McKinney, Neff, Reese, Reymann, Ricketts, Schermerhorn, Sherrod, Shoulders, Sloss, Smith of Bartholomew, Steele, Stone, Taggart, Todd, Van Sandt, Vawter, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Yater, and Mr. Speaker.—72.

*Those who voted in the negative were,*

Messrs. Carnahan, Clark, Dobbins, Herod, Moore, Neal, Robbins, Slicer, and Trippet—9.

So the rules were suspended, and the bill read a first time by its title.

Mr. Kerr moved to suspend the rules, and read the bill a second time by its title.

The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Ayres, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Brown, Clapp, Colgrove, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Denby, Duncan, Early, Grose, Hawkins, Hoagland, Humphreys, Hutchings, Jefferis, Kerr, Landiss, Lane, Larue, Lewis, Massey, Mercer, Merrifield, Modesitt, Moon, McDaniel, McDonald of Lake, McFarland, McKinney, Neff, Reese, Reyman, Ricketts, Schermerhorn, Sherrod, Shuman, Sloss, Smith of Bartholomew, Steele, Stone, Taggart, Todd, Van Sandt, Vawter, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Yater, and Mr. Speaker—69.

*Those who voted in the negative were,*

Messrs. Branson, Carnahan, Clark, Dobbins, Edson, Evans, Herod, Moore, Neal, Robbins, Shoulders, Slicer, and Trippet—13.

So the rules were suspended, and the bill read a second time now by its title.

On motion by Mr. Steele,

The bill was laid on the table, and 250 copies ordered to be printed.

Mr. Marvin, chairman of the committee on engrossed bills, made the following report:

**MR. SPEAKER:**

The committee on engrossed bills have compared House bill No. 68 with the original, and find it correctly engrossed.

Mr. Marvin, chairman of the committee on engrossed bills, made the following report:

MR. SPEAKER :

The committee on engrossed bills, have examined House bills Nos. 115 and 109, and find them correctly engrossed, and order me to so report.

Mr. Marvin, chairman of the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills have compared House bills Nos. 169, 153, 174, 186, 152, with the original bills, and find them correctly engrossed.

Mr. Crowe, chairman of the committee on enrolled bills, made the following report :

MR. SPEAKER :

The committee on enrolled bills, to whom was referred the enrolled bill of the House No. 51, have compared it with the engrossed bill, and find it correctly enrolled.

A message from the Senate by Mr. Harvey, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bill of the House, without amendment, viz :

Bill No. 51. A bill to regulate the inspection of tobacco throughout the State of Indiana.

By unanimous consent,

Mr. McFarland presented the following petition :

A petition signed by David Leech and others, in reference to the practice of medicine and surgery.

Which,

On motion,

Was referred to the select committee heretofore appointed on same subject.

On motion by Mr. Brown,

The House adjourned.

THURSDAY MORNING, 9 o'clock, }  
February 12, 1857. }

The House met.

The journal was read and adopted.

PETITIONS, MEMORIALS, AND REMONSTRANCES, &C.

By Mr. Ballenger,

A petition signed by Jeremiah Griffin and others, in reference to the sale of spirituous liquors.

Which,

On motion,

Was referred to the committee on temperance.

By Mr. Wagner,

A memorial signed by Jacob Held and others, in reference to amending the act to revise, simplify and abridge the rules of practice and pleading.

Which,

On motion,

Was referred to the committee on the judiciary.

By Mr. Moore,

A petition of Charles W. Seely, in reference as agent of the State of Indiana, in serving a requisition for Matthew France.

Which,

On motion,

Was referred to the committee on claims.

By Mr. McDonald of Lake,

A petition signed by sundry citizens of Lake county, in reference to the Feeder Dam in the Calumet river.

Which,

On motion,

Was referred to the committee on the judiciary.

REPORTS FROM COMMITTEES.

Mr. Williams of Lagrange, from the committee on ways and means, made the following report :



**MR. SPEAKER :**

The committee on ways and means, to whom was referred House bill No. 149, an act to amend an act in relation to taxation of lands in towns and cities, &c., with instructions to enquire into the expediency and constitutionality of the act, have had the same under consideration, and the majority deeming further legislation inexpedient, instruct me to report the same back, and recommend that it be indefinitely postponed.

Which report was concurred in.

Mr. Kerr, from the committee on the judiciary, made the following report :

**MR. SPEAKER :**

The judiciary committee, to whom was referred House bill No. 151, prescribing the terms upon which insurance companies not organized in this State, may transact business, &c., have had the same under consideration, and directed me to report the same back, and recommend its indefinite postponement.

Which was concurred in.

Mr. Blake, from the committee on the judiciary, made the following report :

**MR. SPEAKER :**

The judiciary committee, to whom was referred House bill No. 134, have had the same under consideration, and directed me to report the same back, and recommend its passage.

No. 134. A bill to amend the 1st section of an act, entitled an act for the incorporation of bridge companies, approved March 9, 1852, so as to authorize bridge companies to construct embankments across low bottoms, and receive toll.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Blake, from the committee on the judiciary, made the following report :

**MR. SPEAKER :**

The judiciary committee, to whom was referred House bill No. 85, in reference to divorces, have had the same under consideration, and directed me to report the same back, and recommend its indefinite postponement, the subject being embraced in a bill already passed.

Which report was concurred in.

Mr. Blake, from the judiciary committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 158, have had the same under consideration, and have instructed me to report the same back, and recommend its indefinite postponement.

No 158. A bill to authorize exceptions to be taken to judgments on demurrers, in certain cases appealed to the supreme court, &c.

On motion,  
The bill was laid on the table.

Mr. Denby, from the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred House bill No. 118, entitled a bill to enable the common councils of the several incorporated cities of this State, to prescribe by ordinance the time within which the annual assessments for city purposes shall be made, and the rolls thereof returned; and the time within which the city tax rolls or duplicates shall be made out and delivered to the collecting officers, and also the time within which such collecting officers shall make their returns, have had the same under consideration, and instructed me to report it back, and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

#### RESOLUTIONS.

Mr. Neff offered the following resolution:

*Resolved*, That the judiciary committee enquire into the expediency of so amending the constitution of the State of Indiana, so that each county shall be entitled to one representative in the State legislature, and that the committee report by bill or otherwise.

Which was not agreed to.

Mr. Branson, offered the following resolution:

*Resolved*, That a committee of three be appointed by the chair, to enquire of the president of the bank of the State of Indiana,

whether the officers of said bank and branches will consent that the legislature should make such alterations or amendments to the charter of said bank, as may be deemed necessary or expedient, and report to this house as early as possible.

Which was not agreed to.

Mr. Ricketts offered the following resolution :

*Resolved*, That the committee on rights and privileges be instructed to report a bill, making it a penal offense for judges of elections to refuse a vote, when the voter is ready to comply with the requisition of the law.

The ayes and noes were demanded by Messrs. Humphreys and Claypool.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Bethell, Blake, Bowman, Boyd, Branson, Brown, Bryan, Carnahan, Clark, Claypool, Conner of Hamilton, Conduitt, Crawford, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Herod, Hoagland, Humphreys, Jefferis, Landiss, Lane, Lewis, Massey, Modesitt, Moore, McDaniel, McDonald of Lake, McFarland, McGinnis, McKinney, Neal, Neff, Price, Reese, Ricketts, Robbins, Schermerhorn, Shoulders, Slicer, Sloss, Smith of Bartholomew, Taggart, Trippet, Wallace, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker—59.

*Those who voted in the negative were,*

Messrs. Austin, Ballenger, Batterton, Branham, Clapp, Colgrove, Conner of Wabash, Davis of Hendricks, Evans, Grose, Hawkins, Larue, Marvin, Mercer, Merrifield, Reyman, Shuman, Smith of Delaware, Steele, Stone, Van Sandt, Wagner, Ward Whitcomb, and Williams of Lagrange—26.

So the resolution was agreed to.

On motion by Mr. Wallace,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of so amending the law regarding estrays and other articles adrift, that justices of the peace be allowed mileage in making reports to the clerk of the circuit court; and further, in so changing said law, as not making it obligatory on justices to make report to the clerk, of property, when the appraisement does not exceed ten dollars, and report by bill or otherwise, as soon as possible.

Mr. Whitcomb offered the following resolution :

*Resolved*, That Leonidas Sexton be forthwith sworn in as a member of this House, from the county of Rush, and that he retain his seat upon this floor as said member, until this House shall decide by vote, that said Sexton is not entitled to said seat, as Representative from said county.

The ayes and noes being demanded by Messrs. Grose and Neal,

*Those who voted in the affirmative were,*

Messrs. Austin, Ballenger, Batterton, Boyd, Branham, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Davis of Hendricks, Evans, Grose, Hawkins, Hutchings, Jefferis, Larue, Mercer, Merrifield, McDonald of Lake, Neal, Price, Shuman, Sloss, Smith of Delaware, Steele, Stone, Todd, Van Sandt, Vawter, Wagner, Ward, Whitcomb, and Williams of Lagrange—43.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Allen, Ayres, Bethell, Blake, Bowman, Branson, Brown, Bryan, Carnahan, Clark, Claypool, Conduitt, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Duncan, Early, Edson, Herod, Hoagland, Humphreys, Kerr, Landiss, Lane, Lewis, Massey, Marvin, Moore, McDaniel, McFarland, McGinnis, McKinney, Neff, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Stillwell, Taggart, Trippet, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker—52.

So the resolution was not agreed to.

#### BILLS INTRODUCED.

By Mr. Duncan,

No. 214. A bill for the protection of farms from the destruction of fire.

Which was read a first time, and passed to a second reading.

By unanimous consent,

Mr. Claypool, from the committee on county and township business, made the following report :

MR. SPEAKER :

The committee on county and township business, to whom was referred House bill No. 35, in regard to duties, &c., of county surveyors, have had the same under consideration, and directed

me to report the same back, amended by striking out all after the enacting clause, and substituting the accompanying amendment, and when so amended, to recommend its passage :

**SEC. 1.** That there shall hereafter be elected, at the general election in each county, by the qualified voters thereof, a county surveyor, who shall continue in office from the first Monday in November thereafter, for the term of two years. Such surveyor shall give bond in the sum of one thousand dollars, which bond shall be filed with the county auditor, who shall record the same in his office.

**SEC. 2.** The county board of each county shall furnish for the surveyor thereof, at the county seat, an office with necessary conveniences for the safe keeping of records, in which office shall be kept all records pertaining and belonging to the surveying department of such county.

**SEC. 3.** It shall be the duty of such surveyor, whenever directed to do so by the county board, to procure a copy of the original field notes of the townships in his county, and have a copy of the same recorded in the recorder's office of such county, and to hand such field notes, as well as all other papers, maps, books and charts, belonging to his office, over to his successor.

**SEC. 4.** Whenever the owner of any land within this State, after having given ten days' notice to the owners of adjoining lands, if such owners reside in the county, and if not, by publication three weeks successively in a newspaper published within or nearest to such county, shall desire to establish, re-locate, or perpetuate any corner thereto, or in the same section, or any line thereof, such county surveyor shall proceed to make the required surveys and locations; and if a corner is to be perpetuated, shall deposit in the proper place, a stone, or other durable material, and shall also enter in his field notes, one or more bearing trees, if there be such within convenient distance, naming the species and size, course and distance thereof, all of which proceedings shall be entered by him in a book to be kept for that purpose; the expense of which publication and survey, shall be borne by all persons interested, in proportion to their several interest therein; and if any of the persons thus interested are non-residents, the surveyor shall hand over a certified statement of the amount due from them for such publication and survey, to the auditor of the county, who shall enter the same upon his tax duplicate against such persons, and cause it to be collected in the same manner with the taxes assessed against such persons, and shall pay the same over to such surveyor.

**SEC. 5.** Whenever all the proprietors of lands adjoining any corner, which any county surveyor may be required to establish or perpetuate, or any line which he may be required to view and establish, are present and consenting, or in writing shall so consent, such notice shall not be necessary.

SEC. 6. County surveyors may appoint deputies, and whenever the services of a surveyor are required in a case where he is interested, the board of commissioners shall appoint a deputy to act in such case.

SEC. 7. Such surveyor or his deputy shall have power to administer all oaths required in the discharge of his duties, for which he may receive the usual fees.

SEC. 8. Deputies, chain carriers, ro linen, or markers shall take an oath, to be administered to them by such surveyor or his deputy, to faithfully discharge their duties, a minute whereof shall be made and kept with the proceedings and record of each survey, and such deputies shall return all field notes by them taken, within sixty days thereafter to such surveyor.

SEC. 9. The survey of such surveyor shall by *prima facie* evidence in favor of the corners established and lines run according to the provisions of this act, but an appeal may be taken to the circuit court, within three years, and such court may reverse such survey, and upon such appeal being taken by any person, such surveyor shall forthwith produce and transmit the papers in his hands touching the same, and copies of the field notes in the case complained of, without requiring an appeal bond, and such court in the trial of such appeal, may receive evidence of other surveys of the same premises made by the same or other persons, either before or since the one complained of, and if such court shall decide against such surveyor, it shall enter an order for a re-survey, and such new survey may be made by any other competent surveyor, whom the court may appoint, from whose decision an appeal may in like manner be taken.

SEC. 10. All division lines which may be run or established to divide any of the lands originally surveyed and conveyed by the United States, shall be made agreeably to the laws of the United States, directing the mode of surveying and subdividing the public lands.

SEC. 11. The several county surveyors of this State shall have full power and authority to administer and certify any oath required to be taken by any commissioner for assignment of dower on the partition of real estate, or by any commissioner, or viewer, to view, mark, locate, or re-locate any public highways, and whenever any county surveyor shall be appointed, any such commissioner or viewer, for the purposes aforesaid, he shall not be required to take an additional oath, but the duties required of such commissioner or viewer shall be taken and construed to be a part of his official duties, and the official signature of such surveyor to any proceeding required of such commissioner or viewer, shall be sufficient on his part.

SEC. 12. The several county surveyors of the State, shall be competent to take acknowledgments of deeds and other instruments for the conveyance of real estate, and to certify the same under their hand and official seal.



**SEC. 13.** For any violation of the duties prescribed in this act, such surveyor, or his deputy, shall be fined in a sum not exceeding twenty dollars.

**SEC. 14.** All laws heretofore enacted conflicting with the provisions of this act, are hereby repealed.

**SEC. 15.** Inasmuch as there is no law now in force providing for the organization of the surveying department of the several counties of this State, it is hereby declared that an emergency exists for the immediate taking effect of this act; it shall therefore take effect and be in force from and after its passage.

Which report was concurred in, and the bill order to be engrossed.

Mr. Claypool, from the committee on county and township business, made the following report :

**MR. SPEAKER:**

The committee on county and township business, to whom was referred House bill No. 97, in relation to duties, &c., of county surveyor, have had the same under consideration, and directed me to report it back, with a recommendation that it be indefinitely postponed, its provisions being all embraced in an amendment to House bill No. 35, reported and recommended by the committee.

Which report was concurred in.

On motion by Mr. Claypool,

The vote taken on recommitting House bill No. 138, a bill to authorize the issuing of executions in certain cases, to a committee with instructions.

Was reconsidered.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Clapp, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Duncan, Early, Edson, Evans, Grose, Hawkins, Herd, Hoagland, Humphreys, Hutchings, Jefferis, Kerr, Landiss, Lane, Larue, Massey, Marvin, Mercer, Merrifield, Moore, McDaniel, McFarland, McGinnis, McKinney, Neal, Price, Reyman, Ricketts, Robbins, Schermerhorn, Shoulders, Sloss, Smith of Delaware, Steele, Stillwell, Stone, Taggart, Tippet, Van Sandt, Vawter, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Yater, and Mr. Speaker—79.

**Mr. McDonald of Lake** voting in the negative.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

By unanimous consent,

**Mr. Humphreys** presented the following petition :

A petition signed by J. C. Bennett and others, in reference to the practice of medicine and surgery.

Which was referred to the select committee heretofore appointed on the same subject.

On motion,

**Mr. Claypool** was excused from serving on the committee on county and township business.

The Speaker added **Mr. Massey of Pike**, to said committee.

By **Mr. Branson**,

No. 215. A bill to amend the 91st section of an act, entitled "an act to establish a bank and branches," passed March 3, 1855.

Which was read a first time, and passed to a second reading.

By **Mr. Blake**,

No. 216. A bill to authorize the formation of railroad corporations in certain cases, and to regulate the same.

Which was read a first time, and passed to a second reading.

By **Mr. Conner of Wabash**,

No. 217. A bill to amend the forty-second section of the eighth chapter of the revised statutes of 1852, approved May 14, 1852, and entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for, the judges thereof."

Which was read a first time, and passed to a second reading.

On motion by **Mr. Kerr**,

The vote taken on the passage of House bill No. 143, a bill to amend section 2, of chapter 72, of the revised statutes of 1852, "an act touching the qualifications of officers of municipal incorporations; and also the qualifications of electors at municipal elections," &c.,

Was reconsidered.

**Mr. Kerr** moved to indefinitely postpone the bill.

On motion by **Mr. Larue**,

The bill was laid on the table.

By Mr. Merrifield,

No. 218. A bill to provide for the docketing of guardianships, the duties of clerks, and fixing the fees therefor.

Which was read a first time, and passed to a second reading.

By Mr. Davis of Sullivan,

No. 219. A bill to provide for the repeal of the first section of the common school law, approved March 5, 1855.

Which was read a first time, and passed to a second reading.

#### ORDERS OF THE DAY.

#### *House Bills on third reading.*

No. 23. A bill for the removal of old buildings on the Governor's circle in Indianapolis, and for the improvement of the same,

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Allen, Austin, Ayres, Batterton, Bethell, Blake, Bowman, Boyd Branham, Branson, Brown, Bryan, Carnahan, Clark, Colgrove, Conner of Hamilton, Conduitt, Crowe, Davis of Hendricks, Denby, Dobbins, Duncan, Early, Elson, Hawkins, Hutchings, Kerr, Lane, Larue, Lewis, Massey, Mercer, Merrifield, Modesitt, Moon, McDonald of Fountain, McDonald of Lake, McFarland, Neal, Neff, Price, Reyman, Ricketts, Robbins, Schermerhorn, Sherrod, Shuman, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele Stillwell, Stone, Taggart, Trippet, Van Sandt, Vawter, Wagner, Wallace, Whitcomb, Williams of Lagrange, and Mr. Speaker—64.

*Those who voted in the negative were,*

Messrs. Adams, Clapp, Conner of Wabash, Davis of Sullivan, Grose, Herod, Hoagland, Marvin, Moore, McKimney, Shoulders, Ward, Wiley, Williams of Knox, Williamson, and Yater—16.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

No. 48. A bill to amend sections nine and fifty of an act, entitled an act for the incorporation of cities, approved June 18, 1852.

Was read a third time.

On motion by Mr. Larue,  
The bill was laid on the table.

No. 80. A bill prescribing punishment for running railroad trains or locomotives across the railroads without stopping, and to punish carelessness and accidents in crossing.

Was read a third time.

Mr. Ward moved to recommit the bill with the following instructions:

"Amend by prohibiting the stopping of any trains on or across any crossings."

Which was not agreed to.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Ayres, Ballenger, Boyd, Branham, Branson, Brown, Carnahan, Clapp, Clark, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Duncan, Early, Edson, Evans, Hawkins, Herod, Hoagland, Hutchings, Jefferis, Landiss, Lane, Larue, Lewis, Massey, Mercer, Merrifield, Modestitt, Moon, Moore, McDaniel, McDonald of Fountain, McDonald of Lake, McFarland, McKinney, Neal, Neff, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Stone, Taggart, Todd, Trippett, Van Sandt, Vawter, Wagner, Wallace, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Yater, and Mr. Speaker.—75.

*Those who voted in the negative were,*

Messrs. Adams, Batterton, Bethell, Blake, Bowman, Bryan, Marvin, and Shuman—8.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

On motion by Mr. Williams of Knox,

House bill No. 124. A bill to amend the 23d section of an act, to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State.

Was taken from the table.

H. J.—34.

The question being, shall the bill be recommitted, with pending instructions ;

Which was not agreed to.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Adams, Austin, Ballenger, Batterton, Carnahan, Clark, Colgrove, Conner of Hamilton, Crawford, Dobbins, Edson, Herod, Hoagland, Jefferis, Massey, Modesitt, Moore, McDonald of Lake, McKinney, Ricketts, Shoulders, Slicer, Smith of Bartholomew, Smith of Delaware, Stone, Todd, Williams of Knox, Williams of Lagrange, and Williamson—29.

*Those who voted in the negative were,*

Messrs. Abel, Allen, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Clapp, Conner of Wabash, Conduitt, Crowe, Davis of Hendricks, Davis of Sullivan, Denby, Duncan, Early, Evans, Hawkins, Hutchings, Kerr, Landiss, Lane, Larue, Lewis, Marvin, Mercer, Merrifield, Moon, McDaniel, McFarland, Neal, Neff, Price, Reese, Reyman, Robbins, Schermerhorn, Sherrod, Shuman, Sloss, Steele, Stillwell, Taggart, Trippet, Van Sandt, Vawter, Wagner, Ward, Whitcomb, Wiley, Yater, and Mr. Speaker—55.

So the bill did not pass.

On motion by Mr. Wagner,

The vote taken on House bill No. 23, a bill for the removal of the old building on the Governor's Circle in Indianapolis, and for the improvement of the same,

Was reconsidered.

Mr. McDonald of Lake moved to recommit the bill, with the following instructions :

Recommit to the committee on the affairs of the town of Indianapolis, with the following instructions : Amend the bill by providing that no money shall be expended by the Auditor, beyond the amount received from the sale of said building.

Mr. Davis of Sullivan moved to amend the instructions as follows :

To provide that the buildings be removed and the materials sold, and the proceeds thereof be paid into the State treasury.

Which was agreed to.

When,

On motion,

The bill was referred, with the instructions.

On motion by Mr. Larue,

The House adjourned.

2 O'CLOCK P. M.

The House met.

By unanimous consent,  
Mr. Connor of Wabash

Presented the petition of sundry citizens of the State of Indiana, relative to liens on water crafts, &c.

Which,

On motion,

Was referred to the committee on the judiciary.

#### ORDERS OF THE DAY RESUMED.

#### *House Bills on Third Reading.*

No. 88. A bill for the incorporation and continuance of building, loan fund and savings associations.

Was read a third time.

Mr. Larue moved to re-commit to the committee on corporations with instructions to enquire into the expediency of authorizing any stockholder to withdraw from such association at stated times, and at the same time to withdraw his capital stock and share of profits, and to insert a clause placing such association completely under the control of the legislature.

Mr. Davis of Sullivan, moved to amend the instructions as follows :

That no powers shall be exercised to issue any paper in the similitude of bank notes, to be circulated as money, nor exercise any banking powers whatever.

Which was agreed to.

The question then recurring on re-committing the bill to the committee on corporations, with instructions,

It was agreed to.

No. 117. A bill to amend the 9th section of an act entitled, "an act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855.

Was read a third time.

Mr. Colgrove moved to re-commit to the committee on fees and salaries with the following instructions:



*Provided*, That the several county treasurers of this State, shall not receive more than fifteen hundred dollars for his services for any one year as such treasurer.

Mr. Larue moved a call of the previous question,

Which was seconded by the House.

The question being, shall the main question be now put ?

It was agreed to.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Ayres, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Carnahan, Colgrove, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Duncan, Early, Edson, Evans, Harrison, Hawkins, Herod, Hoagland, Hutchings, Jefferis, Kerr, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moon, McDaniel, McFarland, McKinney, Neff, Price, Reese, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Taggart, Todd, Trippet, Van Sandt, Vawter, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Yater, and Mr. Speaker—73.

*Those who voted in the negative were,*

Messrs. Austin, Ballenger, Batterton, Bryan, Clapp, Clark, Grose, Moore, Neal, Sloss, and Stone—12.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Colgrove moved to reconsider the vote just taken.

Mr. Larue moved to lay the motion on the table.

The ayes and noes were demanded by Messrs. Neal and Colgrove.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Carnahan, Conduitt, Crawford, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Early, Edson, Evans, Harrison, Hawkins, Hoagland, Hutchings, Kerr, Lane, Larue, Lewis, Marvin, Merrifield, McDaniel, McDonald of Lake, McFarland, McKinney, Neff, Price, Reese, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Steele, Stillwell, Taggart, Todd, Trippet, Vawter, Wallace, Ward, Whitcomb, Williams of Knox, Williams of Lagrange, Williamson and Mr. Speaker—51.

*Those who voted in the negative were,*

Messrs. Austin, Ayres, Ballenger, Batterton, Bryan, Clapp, Clark, Colgrove, Conner of Wabash, Davis of Hendricks, Duncan, Grose, Herod, Jefferis, Landiss, Massey, Mercer, Modesitt, Moore, Neal, Shuman, Sloss, Smith of Bartholomew, Smith of Delaware, Stone, Van Sandt, Wagner, Wiley, and Yater—29.

So the motion was laid on the table.

No. 129. A bill to provide for the government and discipline of the State Prison, and to repeal "an act to provide for the government and discipline of the State Prison," approved March 3d, 1855, and all other laws inconsistent herewith;

Was read a third time.

Mr. Merrifield moved to recommit the bill with the following instructions :

Strike out all authorizing the Warden to inflict punishment with stripes.

Mr. Herod moved to amend the instructions as follows :

Strike out all that pertains to Moral Instructor and his salary.

Mr. Lane moved a call of the previous question.

Which was not seconded.

The question then being on the amendment to the instructions, It was disagreed to.

Mr. Williams of Knox moved to lay the bill on the table.

Which was not agreed to.

Mr. Larue moved to amend the instructions as follows :

Strike out all that part of the bill that requires the Moral Instructor to be a minister.

Which was agreed to.

The question recurring on committing the bill with instructions, It was agreed to.

Mr. Colgrove moved the House adjourn.

Which was not agreed to.

No. 154. A bill to refund money paid on sale of land for taxes, Was read a third time,

And,

On motion by Mr. Lane,  
Laid on the table.

**House Joint Resolution, No. 1.** A joint resolution declaring it unconstitutional and impolitic for the State to purchase the Wabash and Erie Canal,

Was read a third time.

The question being, shall the joint resolution pass ?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Bethell, Blake, Bowman, Boyd, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Colgrove, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Duncan, Early, Edson, Evans, Grose, Harrison, Hawkins, Herod, Hoagland, Hutchings, Jefferis, Kerr, Landiss, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moon, Moore, McDaniel, McDonald of Lake, McFarland, McKinney, Neal, Neff, Price, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Shuman, Sloss, Smith of Bartholomew, Stone, Taggart, Todd, Trippet, Van Sandt, Vawter, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Yater, and Mr. Speaker.—80.

No person voted in the negative.

So the joint resolution passed.

*Ordered,* That the Clerk inform the Senate thereof.

By unanimous consent,  
Mr. McFarland offered the following resolution :

**WHEREAS,** The commissioners of the sinking fund have failed in cases where the mortgaged lands have sold for more than the principal, interest, and damages, due on the mortgage, to pay over to borrowers of said fund, the said overplus in all cases where there is any,

**AND WHEREAS,** It is clearly right that the overplus in all such cases should be paid to the owners thereof respectively, therefore be it

*Resolved,* That the committee on the judiciary be instructed to enquire into the expediency of reporting a bill declaring it to be the duty of said commissioners to pay over all such money or moneys as may now belong to borrowers of said fund, as an overplus over and above the amount of principal, interest, and damages due said fund, or that may hereafter belong to said borrowers.

Which was agreed to.

## HOUSE BILLS ON SECOND READING.

No. 175. A bill to amend the second section of article 2d of the constitution of the State of Indiana,

Was read a second time,

And,

On motion by Mr. Wallace,

Referred to the judiciary committee.

No. 176. A bill to repeal an act to incorporate the town of Vernon,

Was read a second time,

And,

Ordered to be engrossed.

No. 177. A bill to authorize the empanneling of petit juries in the courts of common pleas, and to repeal an act therein named.

Was read a second time,

And,

On motion by Mr. Smith of Bartholomew,

Referred to the committee on the judiciary.

No. 178. A bill to prevent emigration of voters from one county in this State to another, for the purpose of influencing or carrying the election in such other county, and prescribing penalty against persons aiding, abetting, counseling, or engaged therein.

Was read a second time,

And,

On motion by Mr. Hoagland,

Referred to the committee on elections.

No. 179. A bill equalizing the salaries of the Judges of the Supreme Court.

Was read a second time, and ordered to be engrossed.

No. 180. A bill for the more efficient and just mode of carrying out the provisions of the fugitive slave law.

Was read a second time.

Mr. Bethell moved to refer the bill to a select committee of five.

On motion by Mr. Neff,

The bill was laid on the table.

No. 181. A bill to amend section 321 of an act, entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852.

Was read a second time,  
And,

On motion by Mr. Denby,  
Referred to the committee on the judiciary.

No. 182. A bill to abolish the courts of common pleas, and to transfer the business thereof to the circuit courts, and also, to abolish the office of district prosecuting attorney.

Was read a second time.

Mr. Lane moved the bill be indefinitely postponed.

Mr. Grose moved to lay the motion on the table;

Which was not agreed to.

The question recurring on the indefinite postponement of the bill.

The ayes and noes were demanded by Messrs. Smith of Bartholomew and Moore.

*Those who voted in the affirmative were,*

Messrs. Allen, Austin, Ayres, Bethell, Blake, Carnahan, Conner of Wabash, Cullen, Denby, Duncan, Edson, Herod, Kerr, Landiss, Lane, Lewis, Massey, Mercer, Merrifield, Modesitt, Moon, McFarland, Neal, Neff, Price, Reese, Ricketts, Schermerhorn, Shuman, Sloss, Steele, Trippet, Van Sandt, Vawter, Wagner, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, and Mr. Speaker—42.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Bowman, Boyd, Branham, Branson, Brown, Clapp, Clark, Conduitt, Crawford, Crowe, Davis of Sullivan, Dobbins, Early, Evans, Harrison, Hawkins, Hoagland, Hutchings, Jeffers, Larue, Moore, McDaniel, McDonald of Lake, McKinney, Reyman, Robbins, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Stone, Taggart, Wallace, and Yater—36.

So the bill was indefinitely postponed.

No. 183. A bill to amend section 68 of an act, entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State, approved June 17, 1852.

Was read a second time, and ordered to be engrossed.

No. 184. A bill to amend section 8 of an act providing for the election of clerks of the circuit court, and prescribing some of their duties, approved June 7, 1852.

Was read a second time,

And,

On motion by Mr. Lane,  
Referred to the committee on the judiciary.

No. 185. A bill to relieve Nathan Rowley, of Vanderburgh county, from the consequences of certain legal proceedings had, and judgment rendered in the Vanderburgh circuit court, at the September term of said court, in the year 1847, in an action wherein the State of Indiana, on the relation of Brackett Mills, school commissioner, was plaintiff, and the said Nathan Rowley, former school commissioner, and sundry other persons, his sureties as such, were defendants.

Was read a second time,

And,

On motion by Mr. Ward,

Was referred to the same select committee heretofore appointed on that subject.

House joint resolution No. 10. A joint resolution in relation to the election of United States Senators.

Was read a second time, and ordered to be engrossed.

House joint resolution No. 11. A joint resolution relative to the distribution of arms by the general government among the States.

Was read a second time,

And,

On motion by Mr. Clapp,

Referred to the committee on military affairs.

On motion,

Leave of absence was granted Mr. Humphreys.

Mr. Todd, from the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills have examined House bills Nos. 90, 101, and 119, and find them correctly engrossed.

Mr. Marvin, chairman of the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills have examined bills Nos. 52 and 150, and find them correctly engrossed.

A message from the Governor, by Mr. Osborne, Executive Messenger.



MR. SPEAKER :

I am directed by his Excellency to inform the House that he has approved and signed the following bill :

“An act to provide for and regulate the inspection of tobacco, throughout the State of Indiana.

On motion by Mr. Ballenger,  
The House adjourned.

FRIDAY MORNING, 9 o'clock,  
February 13th, 1857. }

The House met.

The journal was read and adopted.

PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Larue,

A petition signed by Charles A. Naylor and others, in reference to county auditors subscribing for a copy of school law.

Which,

On motion,

Was referred to the committee on education.

By Mr. Vawter,

A petition signed by J. W. Morris, and others, in reference to a change in the present road law.

Which,

On motion,

Was referred to the committee on roads.

By Mr. Whitcomb,

A petition signed by Joseph M. Smith, and others, in reference

to amending the act which refers to rules, practice, pleadings and forms.

Which,

On motion,

Was laid on the table.

Mr. Grose, and 35 other Representatives, submitted the following protest, viz:

We, the undersigned, members of the House of Representatives of the State of Indiana, now in session, do most solemnly enter our protest to the following entry upon the journal of the House, which appears in connection with its proceedings on the 4th day of February 1857, viz:

"The hour for the meeting of the joint convention of the two Houses of the General Assembly having arrived, the Senate, preceded by the Lieutenant Governor, appeared within the hall of the House, where seats were provided for them on the right of the Speaker's chair.

Upon calling the convention to order, the President, with the consent of the convention, appointed Solon Turman Secretary thereof, who was duly sworn in as such by the Hon. Sam'l E. Perkins, one of the Judges of the Supreme Court, and entered upon the discharge of his duties.

The Chairman addressed the convention as follows:

*Gentlemen—*

Pursuant to adjournment, on Monday, February 2d, 1857, we are assembled in joint convention under a provision of the constitution of the State of Indiana, and you will now proceed to choose a United States' Senator by a *viva voce*, to serve as such until vote the 4th of March, 1861.

Mr. Walpole nominated Graham N. Fitch.

*Those who voted for Graham N. Fitch were,*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnson, Mansfield, Mathes, Miller, McCleary, McLain, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, Wilson, and Woods, of the Senate.

The Senator from Laporte, Mr. Weir, voted blank—1.

Messrs. Abel, Adams, Allen, Ayres, Bethell, Blake, Bowman, Branson, Brown, Bryan, Carnahan, Clark, Claypool, Conduitt, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Duncan, Early, Edson, Harrison, Herod, Hoagland, Humphreys, Kerr, Landiss,

Lane, Lewis, Massey, Marvin, Modesitt, Moore, McDaniel, McDonald of Fountain, McFarland, McGinnis, McKinney, Neff, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Sherod, Shoulders, Slicer, Smith of Bartholomew, Stillwell, Studabaker, Taggart, Trippet, Wallace, Walpole, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker, of the House of Representatives.—83.

Messrs. Hayden, and Wright, voted for George G. Dunn—2.

Graham N. Fitch, having received a majority of all the votes of the members of the General Assembly of the State of Indiana, was declared, by the President of the convention, duly elected United States' Senator from the State of Indiana, to serve as such until the 4th day of March, 1861.

The President then announced that the joint convention would now proceed to choose a United States' Senator, by a *viva voce* vote, to serve as such from the 4th of March, 1857, until the 4th of March, 1863.

Senator Slater nominated Hon. Jesse D. Bright.

*Those who voted for Jesse D. Bright were.*

Messrs. Alexander, Brown, Drew, Fisk, Gooding, Hargrove, Hefren, Hostetler, Johnston, Mansfield, Mathes, Miller, McCleary, McClure, McLain, Richardson, Rugg, Slater of Dearborn, Slater of Johnson, Tarkington, Wallace, Wilson, and Woods, of the Senate.

The Senator from Laporte, Mr. Weir, was present, and refused to vote for any one.

Messrs. Abel, Adams, Allen, Ayres, Bethell, Blake, Bowman, Branson, Brown, Bryan, Carnahan, Clark, Claypool, Conduitt, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Duncan, Early, Edson, Harrison, Herod, Hoagland, Humphreys, Kerr, Landiss, Lane, Lewis, Massey, Marvin, Modesitt, Moore, McDaniel, McDonald of Fountain, McFarland, McGinnis, McKinney, Neff, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Stillwell, Studabaker, Taggart, Trippet, Wallace, Walpole, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker, of the House of Representatives.—83.

Messrs. Hayden and Wright, voting for Richard W. Thompson.—2.

Jesse D. Bright, having received a majority of all the votes of the General Assembly of the State of Indiana, was declared by

the President of the joint convention, duly elected United States' Senator from the State of Indiana, to serve as such until the 4th day of March, 1863.

The President then adjourned the joint convention to meet in the Hall of the House of Representatives, on Wednesday, the 11th, inst., at 3 o'clock, P. M.

I certify that the foregoing journal of the proceedings of the joint convention, is correct.

SOLON TURMAN,  
*Sec'y Joint Convention.*

We declare most positively that it is untrue that the Senate, preceded by the Lieutenant Governor, appeared in the House, or that there was any command of the Constitution, requiring an entry of a portion of the Senators into the hall of the House, for any such purposes as proclaimed by Mr. Hammond at the Speaker's stand. We further declare, that the entry of said Senators, and the action of a portion of the Representatives, in the hall of the House, without any resolution of the House or Senate, fixing a time and place for a joint convention of the two houses, was not only in violation of the rules and proper decorum of the House, but in direct violation of the laws and Constitution of the State of Indiana, as well as the Constitution of the United States, therefore,

We, the undersigned members of said House, having had no authority to act in the premises, and refusing to be present on that occasion, hereby protest against any such entry upon the journals of the House, and the doings of the pretended convention, as illegal and void; and ask this, our protest, with our reasons therefor, to be entered upon the journals of the House of Representatives.

JAMES D. CONNER, of Wabash,  
ROBERT BOYD,  
M. P. EVANS,  
JNO M. LARUE,  
GEO. C. MERRIFIELD,  
A. McDONALD, of Lake.  
GEO. CRAWFORD,  
WM. GROSE,  
J. W. HUTCHINGS,  
SMITH VAWTER.  
D. C. BRANHAM,  
R. N. TODD,  
WILLIAM HAWKINS,  
GEO. MOON,  
WM. M. CLAPP,  
T. B. SLOSS,  
S. P. WILLIAMS,  
M. MERCER,

THOMAS J. NEAL,  
ELIJAH VAN SANDT,  
H. W. SHUMAN,  
SILAS COLGROVE,  
CHARLES M. STONE,  
G. K. STEELE,  
J. W. GORDON,  
A. M. BALLINGER,  
S. B. WARD,  
J. M. AUSTIN,  
JOHN WHITCOMB,  
W. C. JEFFERIS,  
A. B. PRICE,  
JOHN DAVIS,  
D. BATTERTON,  
M. C. SMITH,  
G. D. WAGNER,  
A. H. CONNOR.

On motion,  
Leave was granted Mr. Williams of Knox, to withdraw,

House bill No. 124. A bill to amend the 23d section of an act to provide for the valuation and assessment of the real and personal property, &c.

From the files of the House.

#### REPORTS FROM COMMITTEES.

Mr. Neff, from the committee on elections, made the following report:

MR. SPEAKER:

The committee on elections direct me to report back house bill No. 163, amending section of an act regulating general elections, approved June 7th, 1852, and recommend its indefinite postponement.

Which report was concurred in, and the bill was indefinitely postponed.

Mr. Blake, from the judiciary committee, made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred House bill No. 123, amending the 3d and 9th sections of the constitution, have had the same under consideration, and direct me to report the same back and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Kerr, chairman of the committee on the affairs of the State Prison, made the following report:

MR. SPEAKER:

The committee on the affairs of the State Prison, to whom was recommitted House bill, No. 129, to be amended in pursuance of certain instructions, have had the same under consideration, and direct me to report the same back to the House, amended in the 7th section thereof, by striking out these words "be a minister of the gospel in good standing in some one of the denominations of this State."

The committee further direct me respectfully to submit to the House the unanimous opinion of the committee, that it is inexpedient to amend the 16th section of said bill so as to prohibit the

infliction of corporal chastisement upon persons for the violation of the rules of the prison, and earnestly to recommend its passage, without such amendment.

Mr. Davis of Sullivan called a division of the question.

The question being on concurring in the first proposition in the report,

It was agreed to.

The question then being on concurring in the second proposition in the report,

Mr. Sherrod moved a call of the previous question,

Which was seconded by the House.

The question being, shall the main question be now put ?

It was agreed to.

The question being on concurring in the second proposition of the report,

The ayes and noes were demanded by Messrs. Marvin and Moore.

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Batterton, Bethell, Blake, Bowman, Boyd, Brown, Bryan, Carnahan, Conner of Hamilton, Conduitt, Crowe, Cullen, Denby, Duncan, Early, Edson, Grose, Harrison, Hoagland, Kerr, Lane, Lewis, Massey, Mercer, Price, Reese, Reyman, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Vawter, Wallace, Whitcomb, Wiley, Williamson, and Mr. Speaker—40.

*Those who voted in the negative were,*

Messrs. Austin, Ballenger, Branham, Branson, Clapp, Clark, Colgrove, Conner of Wabash, Crawford, Davis of Hendricks, Davis of Sullivan, Dobbins, Evans, Hawkins, Herod, Hutchings, Jefferis, Landiss, Larue, Marvin, Merrifield, Modesitt, Moore, McDonald of Fountain, McDonald of Lake, McFarland, McKinney, Neal, Neff, Ricketts, Robbins, Sloss, Smith of Delaware, Stillwell, Stone, Taggart, Trippet, Van Sandt, Wagner, Ward, Williams of Knox, Williams of Lagrange, and Yater—43.

So the motion did not prevail.

Mr. Batterton moved the following instructions :

Strike out all that relates to corporal punishment, and insert solitary confinement.



Mr. Price moved to amend the instructions as follows:

Amend by making the mode of punishment discretionary with the Superintendent.

Which was agreed to.

Mr. Kerr moved the following amendment to the instructions:

Amend the second section so as to authorize the Governor to appoint in case of any vacancy until the next session of the General Assembly.

Which was agreed to.

#### REPORTS FROM COMMITTEES.

Mr. Massey, from the committee on the affairs of the town of Indianapolis, made the following report:

MR. SPEAKER:

The committee on the affairs of the town of Indianapolis, to whom was referred House bill No. 23, with instructions, have directed me to report back the same amended by adding to end of section 3, "and provided that no money shall be expended by the Auditor, beyond the amount received for the sale of said building," and when so amended, recommend its passage.

No. 23. A bill for the removal of the old building on the Governor's circle in Indianapolis, and for the improvement of the same.

Which report was concurred in, and the amendment adopted.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Austin, Ayres, Ballenger, Bethell, Blake, Bowman, Boyd, Branham, Brown, Bryan, Carnahan, Clapp, Conner of Hamilton, Crawford, Crowe, Cullen, Davis of Hendricks, Denby, Dobbins, Duncan, Early, Edson, Grose, Harrison, Hawkins, Herod, Hoagland, Hutchings, Jefferis, Kerr, Landiss, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, McDonald of Fountain, McFarland, McKinney, Neal, Neff, Price, Reese, Reyman, Ricketts, Schermerhorn, Sherrod, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Stone, Taggart, Todd, Trippet, Van Sandt, Vawter, Wagner, Wallace, Ward, Whitcomb, Williams of Lagrange, Williamson, Yater, and Mr. Speaker—74.

*Those who voted in the negative were,*

Messrs. Adams, Batterton, Branson, Clark, Conner of Wabash,

Conduitt, Davis of Sullivan, Evans, Moore, Robbins, Wiley, Williams of Knox—12.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Lane, from the committee on education, made the following report :

MR. SPEAKER :

The committee on education, to whom was referred House bill No. 105, entitled "an act to provide for the sale of school lands, in cases therein mentioned," have had the same under consideration, and directed me to report the same back and recommend its passage.

Which report was concurred in.

Mr. Merrifield, from the committee on claims, made the following report :

MR. SPEAKER :

The committee on claims, to whom was referred the petition of Wallace Faris, asking compensation of one hundred dollars for his services in arresting one Charles Talbot, a fugitive from justice under a requisition from the Governor, have had the same under consideration, and instructed me to report that in their opinion said claim is reasonable and just, and they recommend that the same be referred to the committee on ways and means, with instructions to make a provision in the special appropriation bill for its payment.

Which report was concurred in.

Mr. Williams of Lagrange, from the committee on claims, made the following report :

MR. SPEAKER :

The committee on claims, to whom was referred the petition of Charles W. Seeley, authorize me to report that they have had the same under consideration, and to recommend an allowance to said petitioner, of *four hundred and ninety-nine dollars*.

Which report was concurred in.

Mr. Williamson, from the committee on agriculture, made the following report :

H. J.—35.

MR. SPEAKER :

The committee on agriculture, to whom was referred House bill No. 170, an act to amend section one of an act, entitled an act for the regulation of weights and measures, approved February 28, 1855, have had the same under consideration, and have directed me to report the same back, and that in their opinion, no further legislation is necessary.

Which report was concurred in.

Mr. Ricketts, chairman of the committee on the sinking fund, made the following report :

MR. SPEAKER :

The committee on the sinking fund, to whom was referred House bill No. 100, have had the same under consideration, and have directed me to report the same back, with the following amendment, and when so amended, to recommend its passage.

No. 100. A bill to amend sections one and six of an act, entitled an act in relation to applying certain funds therein named to the payment of the public debt, approved June 18, 1852.

Amend as follows :

*And be it further enacted*, That the Auditor of State be directed to cancel with a cancelling hammer the bonds now in his hands belonging to the State debt sinking fund, and in the presence of the committee of ways and means, to destroy the same by burning, first making a register of the dates, amounts, numbers and other description of said bonds, in a book to be preserved in his office for further reference.

Which report was concurred in, the amendment adopted, and the bill ordered to be engrossed.

Mr. Abel, from the committee on fees and salaries, made the following report :

MR. SPEAKER :

The committee on fees and salaries, to whom was referred House bill No. 103, being an act requiring the clerks of the circuit courts to keep a public record of moneys paid into their offices, and specifying the duties of former clerks in relation to moneys now in their hands belonging to said office, have had the same under consideration, and recommend the following amendment, and when so amended, recommend its passage.

SEC. 13. *Be it further enacted*, That said clerk shall have the right to charge the fee of five cents for making the entries re-

quired by sections three and four of this act, and retain the same when said clerk pays to the person or parties referred to in said sections three and four. the sum each or they are entitled to.

Which report was concurred in, the amendment adopted, and the bill ordered to be engrossed.

#### RESOLUTIONS.

On motion by Mr. Stillwell,

*Resolved*, That the committee on public buildings be requested to examine the State House building, and ascertain what repairs said building wants for its preservation, and report by bill or otherwise.

On motion by Mr. Taggart,

*Resolved*, That each member of this House be, and he is hereby entitled to receive six copies of the German revised statutes of 1852, for the purpose of distributing the same among their German constituents, provided the same is done at the expense of the person distributing the same.

Mr. Herod offered the following resolution :

*Resolved*, That the judiciary committee be requested to enquire into the expedience of so changing the estray law, so as to cause estray property to be advertised in a State paper, instead of a county paper, and report by bill or otherwise.

Which was not agreed to.

On motion by Mr. Bryan,

*Resolved*, That the committee on the judiciary enquire into the expediency of so amending the law, so as to allow administrators a certain per centage for settling decedents estates.

On motion by Mr. Neal,

*Resolved*, That the committee on elections be instructed to enquire into the expediency of so amending the law relative to contested elections, as to refer the same to the citizens of the county in which said contest is pending, making it the duty of the officers of said county to call an election, giving ten days notice that said contest will be determined by the voters of said county, and that said second election shall be final, and have leave to report by bill or otherwise.

On motion by Mr. Jefferis,

*Resolved*, That the committee on county and township business be instructed to enquire into the expediency of distributing to each township library cheaply bound copies of all the printed legislative documents.

On motion by Mr. Price,

*Resolved*, That the Auditor of State communicate to this House as early as possible the amount of swamp land yet unsold.

#### BILLS INTRODUCED.

By Mr. Blake,

No. 220. A bill to prohibit the issue of bank notes for circulation by the bank of the State of Indiana, upon deposits, and to provide for the location of additional branches of said bank.

Which was read a first time, and passed to a second reading.

By Mr. Marvin,

No. 221. A bill to reduce the width of the Michigan road lying between Indianapolis and Logansport, from one hundred feet to sixty feet in width.

Which was read a first time, and passed to a second reading.

By Mr. Denby,

No. 222. A bill to appropriate the sum of three hundred and fifty four dollars and eighty-five cents, to pay the claim of the city of Evansville against the State of Indiana, for the amount paid by said city on account of arms, amunition and provisions furnished the force called out by the Governor, to protect the works and structures of the Wabash and Erie canal in the month of June, 1856.

Which was read a first time, and passed to a second reading.

By Mr. Duncan,

No. 223. A bill for the more uniform mode of doing township business.

Which was read a first time, and passed to a second reading.

By Mr. Colgrove,

No. 224. A bill for the relief of persons who have borrowed money from the sinking fund of this State.

Which was read a first time, and passed to a second reading.

By Mr. Early,

No. 225. A bill to provide for the distribution of the surplus copies of the revised statutes of 1852, printed in the German language.

Which was read a first time, and passed to a second reading.

By Mr. Dobbins,

No. 226. A bill prohibiting persons holding broken or suspended bank bills, from passing the same, and prescribing the penalties therefor.

Which was read a first time and passed to a second reading.

By Mr. Price,

No. 227. A bill to amend an act to authorize and limit allowances by courts and boards, and drafts upon county treasurers, approved May 27, 1852.

Which was read a first time, and passed to a second reading.

By Mr. Boyd,

No. 228. A bill to amend the 83d section of an act entitled an act making specific appropriations for the year 1855.

Which was read a first time, and passed to a second reading.

By Mr. Schermerhorn,

No. 229. A bill to provide for the redemption of the circulating notes of the Gramercy and Shawnee banks.

Which was read a first time, and passed to a second reading.

By Mr. Blake,

No. 230. A bill to amend the 2d section of an act entitled an act to provide for the re-location of county seats, and for the erection of public buildings in counties, in case of such re-location, approved March 2, 1855, and to provide for the relief of property holders in towns from which county seats may be removed.

Which was read a first time, and passed to a second reading.

By Mr. Carnahan,

No. 231. A bill to amend the first section of an act entitled an act declaratory of the law regulating marriages, and enforcing the provisions thereof by proper penalties, approved March 5, 1852, and to define degrees of consanguinity and affinity, prohibited in marriage.

Which was read a first time, and passed to a second reading.



By Mr. Williams of Knox,

No. 232. A bill to amend the 23d section of an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State, approved June 21, 1852.

Which was read a first time, and passed to a second reading.

Mr. Austin moved the House adjourn.

Which was not agreed to.

By Mr. Merrifield,

No. 233. A bill to authorize the county commissioners to award compensation for the services of agents employed in arresting fugitives from justice.

Which was read a first time, and passed to a second reading.

By Mr. Wagner,

No. 234. A bill supplemental to an act entitled, "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof," approved March 5, 1855.

Which was read a first time, and passed to a second reading.

#### ORDERS OF THE DAY.

#### *House Bills on third reading.*

No. 160. A bill to provide for the support of the indigent, blind, and other infirm persons.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branson, Bryan, Carnahan, Clapp, Clark, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Duncan, Early, Edson, Evans, Grose, Harrison, Herod, Hoagland, Kerr, Landiss, Lane, Larue, Lewis, Massey, Marvin, Merrifield, Modesitt, Moore, McDonald of Fountain, McFarland, McKinney, Neal, Neff, Price, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew,

Smith of Delaware, Steele, Taggart, Todd, Trippet, Van Sandt, Wagner, Wallace, Ward, Whitcomb, Williams of Knox, Williams of Lagrange, Williamson, Yater and Mr. Speaker—72.

*Those who voted in the negative were,*

Messrs. Branham, Hutchings, Ricketts, Vawter, and Wiley.—5,

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

No. 166. A bill to legalize the acts of the board of trustees of the town of Mishawaka.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branson, Branham, Brown, Carnahan, Clapp, Clark, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Crowe, Cullen, Davis of Hendricks, Denby, Dobbins, Duncan, Early, Edson, Evans, Grose, Harrison, Hawkins, Herod, Hutchings, Kerr, Landiss, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moore, McFarland, McKinney, Neal, Neff, Price, Reyman, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stone, Taggart, Todd, Trippet, Van Sandt, Vawter, Wallace, Ward, Whitcomb, Williams of Knox, Williams of Lagrange, Williamson, Yater, and Mr. Speaker—76.

*Those who voted in the negative were,*

Messrs. Hoagland and Wiley—2.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

Mr. Carnahan moved the House adjourn.

Which was not agreed to.

No. 171. A bill to amend section six of an act, entitled an act touching the laying out and vacating towns, streets, alleys, public squares, or grounds, or any part thereof, the making out and recording of plats of such towns, and providing for the change of the names of such towns,

Was read a third time,  
And,

On motion by Mr. Lane,  
Laid on the table.

No. 99. A bill to prevent the making, issuing, or circulating of fraudulent bank notes, bills, and other instruments, as money, to suppress fraudulent banking, and to declare and create a personal liability against all persons engaged, or who may be engaged therein, and for other purposes,

Was read a third time.

Mr. Blake moved to commit the bill to the judiciary committee, with the following instructions:

Commit to judiciary committee, with instructions to enquire into constitutionality of the law, and whether it conflicts with and is an amendment to present laws now in force on the subject of banking and forgery.

Mr. Blake moved to lay the bill on the table,  
Which was not agreed to.

The question then being on committing with the instructions,  
It was not agreed to.

On motion by Mr. Carnahan,  
The House adjourned.

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TWO O'CLOCK, P. M.

The House met.

#### ORDERS OF THE DAY RESUMED.

The question being, shall House bill, No. 99, pass?

On motion by Mr. Carnahan,  
A call of the House was ordered.

The Clerk proceeded with a call when the following members answered to their names, viz:

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Clark, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Evans, Grose, Harrison, Hawkins, Herod, Hoagland, Hutchings, Jefferis, Kerr, Landiss, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moon, Moore, McDaniel, McDonald of Fountain, McDonald of Lake, McFarland, McKinney, Neff, Price, Reyman, Ricketts, Robbins, Sherrod, Shoulders, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Taggart, Todd, Trippett, Van Sandt, Vawter, Walpole, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Yater, and Mr. Speaker—51.

On motion,  
The further call of the House was suspended.

Mr. Walpole moved to recommit the bill to the committee on banks, with the following instructions:

Recommit with the following instructions: Instruct the committee to amend said bill so as to make the principal of prohibition and of like issues and circulation by insurance, rail road, plank road, and canal companies, as well as individuals liable to the penalty as the bill now provides, against banking companies and associations.

Which was agreed to.

On motion by Mr. Williamson,

House bill No. 148. A bill to amend the 1st section of an act entitled, "an act concerning licenses to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show and legerdemain," approved June 15th, 1852, and for the encouragement of agriculture,

Was taken from the table.

The question pending being the amendment of Mr. Walpole to the instructions of Mr. Marvin,

It was agreed to.

The question then recurring on committing with the instructions of Mr. Marvin,

It was not agreed to.

Mr. Abel moved to commit the bill, to the committee on agriculture, with the following instructions:

Amend the instructions on recommitment, so as to include all theatrical performances,  
Which was agreed to.

By unanimous consent,

Mr. Kerr, chairman of the committee on the affairs of State Prison, made the following report:

MR. SPEAKER :

The committee on the affairs of the State Prison, to whom was recommitted House bill No. 129, to be amended in pursuance of certain instructions, have had the same under consideration, and direct me to report the same back to this House, amended in the 2d section thereof, so as to authorize the Governor in case of vacancy in the office of director, to fill the same by appointment until the next meeting of the General Assembly, and so amended in the 16th section thereof as to allow the warden of said prison to inflict such punishment upon the convicts for the violation of the rules of the prison, as in his judgment shall be proper and best designed to accomplish the design of such punishment, and so amended, to recommend its passage.

Which report was concurred in.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Claypool, Conner of Hamilton, Crowe, Cullen, Denby, Douglass, Duncan, Early, Edson, Hoagland, Kerr, Lane, Larue, Lewis, Massey, Mercer, Modesitt, Moon, McDaniel, McFarland, Price, Reyman, Ricketts, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Steele, Stillwell, Stone, Studabaker, Taggart, Todd, Trippet, Vawter, Wagner, Wallace, Walpole, Whitcomb, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker—57.

*Those who voted in the negative were,*

Messrs. Allen, Austin, Carnahan, Clapp, Clark, Colgrove, Conner of Wabash, Conduitt, Davis of Sullivan, Dobbins, Evans, Grose, Harrison, Hawkins, Herod, Hutchings, Jefferis, Landis, Marvin, Merrifield, Moore, McDonald of Fountain, McDonald of Lake, McKinney, Neff, Reese, Robbins, Sloss, Van Sandt, Ward, and Williams of Lagrange—31.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

*House Bills on second reading.*

No. 187. A bill to amend section 133 of an act, entitled an act for the settlement of decedents estates, prescribing the rights, liabilities and duties of officers connected with the management thereof and the heirs thereto, and certain forms to be used in such settlement, approved June 17, 1852.

Was read a second time,

And,

On motion by Mr. Robbins,  
Referred to the committee on the judiciary.

No. 188. A bill to amend the fourth section of an act prescribing the powers and duties of coroners. approved May 27, 1852.

Was read a second time, and ordered to be engrossed.

No. 189. A bill extending the provisions of chapter eighty of the revised statutes of 1852, being an act authorizing the construction of plank, McAdamized and gravel roads; and the provisions of chapter twenty-five of the acts of 1855, being an act in relation to plank, McAdamized, tram and gravel road companies, to tram road companies.

Was read a second time, and ordered to be engrossed.

*House Bills on Third Reading.*

No. 152. A bill to fix the time for holding the circuit courts in the first judicial circuit, and repealing all laws in conflict therewith.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Clark, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Evans, Grose, Harrison, Hawkins, Herod, Hoagland, Jefferis, Kerr, Landiss, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Modest, Moon, Moore, McDaniel, McDonald of Lake, McFarland, McKinney, Neff, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Sloss, Smith of Bartholomew, Stillwell, Stone, Taggart, Todd, Trippet, Van Sandt, Vawter, Wagner, Wallace, Walpole, Ward, Whitcomb, Wiley, Williams



of Knox, Williams of Lagrange, Williamson, Wright, Yater, and Mr. Speaker—84.

No member voting in the negative.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 153. A bill to amend an act regulating the fees of officers, and repealing former acts in relation thereto, approved March 2, 1855.

Was read a third time.

The question being, shall the bill pass?

*These who voted in the affirmative were,*

Messrs. Abel, Allen, Austin, Ayres, Ballenger, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Clark, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Dobbins, Douglass, Duncan, Early, Edson, Evans, Harrison, Herod, Hoagland, Hutchings, Jefferis, Kerr, Landiss, Lane, Larue, Lewis, Massey, Marvin, Mercer, Moon, Moore, McDaniel, McDonald of Lake, McFarland, McKinney, Neal, Neff, Price, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Stone, Studabaker, Taggart, Todd, Trippet, Van Sandt, Vawter, Wagner, Walpole, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Yater and Mr. Speaker—82.

*Those who voted in the negative were,*

Messrs. Adams and Hawkins—2.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

On motion by Mr. Conduitt,

House bill No. 22. A bill to provide for a geological, mineralogical and agricultural survey of the State.

Was taken from the table, and ordered to be engrossed.

Mr. Lane from the committee on banks, made the following report :

MR. SPEAKER :

The committee on banks, to whom was referred House bill No. 99, with certain instructions, have had the same under consideration, and direct me to report the following additional section, as embracing the object of the instructions, and when so amended, recommend its passage:

SEC. 6. All persons, in any way connected as stockholder, director or officer of any insurance company, railroad company, plank road company, turnpike company, canal company, or other association or institution, not authorized by the laws or constitution of this State to carry on the business of banking, and to issue and put into circulation bank notes, who shall issue, utter or circulate, or cause, or aid, or assist in the making, issuing, uttering or circulating any note, bill, check, order, draft, certificate of deposit or other instrument whatever in the similitude of paper money, or intended to be used or circulated as such by whatever name it be called, shall be subject to all liability both civil and criminal named in the preceding sections of this act.

Which report was concurred in.

Mr. Claypool moved to suspend the further consideration of the bill, and make it the special order of the day for Wednesday next at 2 o'clock.

Which was agreed to.

No. 169. A bill to amend an act, entitled an act to provide for the erection and repair of bridges, and to repeal an act to provide for the erection and repair of bridges, approved March 3, 1855.

Was read a third time,

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Batterton, Blake, Boyd, Branham, Brown, Carnahan, Clapp, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Crowe, Davis of Sullivan, Denby, Dobbins, Duncan, Early, Edson, Evans, Grose, Harrison, Hawkins, Herod, Hoagland, Hutchings, Jefferis, Kerr, Landiss, Lane, Larue, Lewis, Mercer, Modesitt, Moon, Moore, McDonald of Fountain, McFarland, McKinney, Neal, Neff, Price, Reese, Robbins, Schermerhorn, Shoulders, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stone, Trippet, Van Sandt, Vawter, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, and Williamson—68.

*Those who voted in the negative were,*

Messrs. Bowman, Branson, Bryan, Clark, Conduitt, Marvin,

Reyman, Sherrod, Studabaker, Taggart, Todd, Walpole, Yater, and Mr. Speaker—14.

So the bill passed.

*Ordered, That the Clerk inform the Senate thereof.*

No. 174. A bill to amend an act, entitled an act providing for the election or appointment of supervisors of highways, and prescribing certain duties, and those of county and township officers in relation thereto, approved June 18, 1852.

Was read a third time.

Mr. Williams of Knox moved to recommit, with instructions to strike out three hundred dollars wherever it occurs, and add an additional section, making it the duty of the trustees to assess a road tax of not less than five nor more than twenty cents, on the one hundred dollars.

Which was not agreed to.

Mr. Smith of Bartholomew, moved to amend the instructions as follows :

Recommit to a select committee with the following instructions: Strike out three hundred dollars, and insert one hundred and fifty dollars.

Which was not agreed to.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Austin, Ballenger, Blake, Bowman, Branham, Bryan, Colgrove, Conduitt Crawford, Cullen, Dobbins, Early, Harrison, Hutchings, Kerr, Lane, Lewis, Massey, McDonald of Lake, McFarland, Price, Robbins, Schermerhorn, Smith of Bartholomew, Stillwell, Stone, Todd, Vawter, Wallace, and Walpole—31.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Allen, Ayres, Batterton, Bethell, Boyd, Branson, Brown, Carnahan, Clapp, Clark, Conner of Hamilton, Conner of Waqash, Crowe, Davis of Sullivan, Denby, Douglass, Duncan, Edson, Evans, Grose, Hawkins, Herod, Hoagland, Jefferis, Landiss, Marvin, Mercer, Merrifield, Modesitt, Moon, Moore, McDonald of Fountain, McKinney, Neff, Reese, Reyman, Ricketts, Shoulders, Shuman, Slicer, Sloss, Smith of Delaware, Steele, Studabaker, Taggart, Trippet, Van Sandt, Wagner, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Yater and Mr. Speaker—58.

So the bill did not pass.

On motion,

Leave of absence was granted Messrs. Neal and Davis of Hendricks, until next Tuesday.

No. 186. A bill to amend the 2d section of an act entitled an act prescribing the duties and fixing the compensation of State Agent, approved June 17, 1852.

Was read a third time.

The question being shall the bill pass !

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Evans, Grose, Harrison, Hawkins, Herod, Hoagland, Hutchings, Jeffers, Kerr, Landiss, Lane, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moon, Moore, McDonald of Fountain, McDonald of Lake, McFarland, McKinney, Neal, Neff, Price, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Stone, Taggart, Todd, Trippet, Van Sandt, Vawter, Wallace, Walpole, Ward, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Yater, and Mr. Speaker—87.

*Those who voted in the negative were,*

Messrs. Larue and Wagner—2.

So the bill passed.

*Ordered,* That the clerk inform the Senate thereof.

No. 68. A bill to amend section 136 of an act entitled an act to revise, simplify and abridge, the rules, practice, pleadings and forms in civil cases, in the courts of this State, to abolish distinct actions at law, and provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852.

Was read a third time.

On motion by Mr. Conner of Wabash,

The bill was recommitted with instructions to amend it so as to give the clerk the power to approve the bond.

## HOUSE BILLS ON SECOND READING.

No. 190. A bill supplemental to an act entitled, an act to provide for the election, fixing the compensation, and prescribing the duties of Attorney General of the State of Indiana, approved February 21, 1855.

Was read a second time,  
And ordered to be engrossed.

No. 191. A bill to provide for the payment of the claim of Moorehead, Hall, & Co., against the State of Indiana.

Was read a second time,  
And,

On motion by Mr. Moore,  
Laid on the table.

## HOUSE BILLS ON THIRD READING.

No. 109. A bill to amend the 25th section of an act entitled an act regulating descents and the apportionment of estates, approved May 14, 1852.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Grose, Harrison, Hawkins, Herod, Hoagland, Hutchings, Jefferis, Kerr, Landiss, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moon, Moore, McDaniel, McDonald of Fountain, McDonald of Lake, McFarland, McKinney, Neal, Price, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Studabaker, Taggart, Todd, Van Sandt, Vawter, Wagner, Wallace, Walpole, Ward, Whitcomb, Wiley, Williams of Lagrange, Williamson, Yater and Mr. Speaker—85.

Mr. Williams of Knox, voted in the negative.

So the bill passed.

*Ordered,* That the clerk inform the Senate thereof.

On motion,  
Leave of absence was granted Mr. Abel, until Tuesday next.

No. 115. A bill declaring what a seal is, in contemplation of law requiring deeds of conveyance to be sealed, and declaring the meaning of such laws.

Was read a third time,

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Ayres, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Grose, Harrison, Herod, Hoagland, Hutchings, Kerr, Landiss, Lane, Larue, Lewis, Massey, Marvin, Merrifield, Modesitt, Moon, Moore, McDaniel, McDonald of Fountain, McFarland, McKinney, Neal, Price, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Stone, Studabaker, Taggart, Todd, Trippet, Van Sandt, Wagner, Wallace, Ward, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Yater and Mr. Speaker—82.

No person voting in the negative.

So the bill passed.

*Ordered,* That the clerk inform the Senate thereof.

On motion by Mr. Denby,

*Resolved,* That the Post Master of the city of Indianapolis be requested to inform this House, whether the printed matter mailed by the members of this House, is properly, and in proper time, mailed for its points of designation.

On motion,

Leave of absence was granted Messrs. Whitcomb, Grose, and McKinney.

Mr. Marvin, chairman of the committee on engrossed bills, made the following report :

**MR. SPEAKER :**

The committee on engrossed bills have compared House bills Nos. 118, 176, 134, 179, 123, 183 and joint resolution No. 10, with the engrossed bills and joint resolution, and find them correctly engrossed.

By unanimous consent,

Mr. Sherrod offered the following resolution :

**H. J.—36.**



*Resolved*, That when this House adjourn, that it adjourn to meet on Monday at 2 o'clock, P. M.

Which was not agreed to.

On motion by Mr. Davis of Sullivan,  
The House adjourned.

SATURDAY MORNING, 9 o'clock, }  
February 14, 1857. }

The House met.

On motion by Mr. Carnahan,  
The reading of the journal was dispensed with.

#### REPORTS FROM COMMITTEES.

Mr. Bethell, from the committee on military affairs, made the following report :

MR. SPEAKER :

The military committee, to whom was referred joint resolution No. 11, have had the same under consideration, and have instructed me to return the same to the House, and recommend its passage.

No. 11. A joint resolution relative to the distribution of arms by the general government among the States.

Which was read a first time, and passed to a second reading.

On motion by Mr. Conner of Hamilton,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of so amending the law in relation to swamp lands, as to make the bond required of the receiver of the purchase money in behalf of the State, correspond in amount with the amount of swamp lands in his county ; and to provide by law, for vesting in the purchaser the title of swamp lands already sold, in counties where the said officer has failed or refused to give the bond required by law.

Mr. Neff offered the following resolution :

*Resolved*, That a committee of five be appointed, whose duty it shall be, to revise the school law so that the same shall be acceptable to the people of the State of Indiana.

Which was not agreed to.

Mr. McFarland offered the following resolution :

*Resolved*, That the committee on colonization be instructed to enquire into the expediency of reporting a bill to this House prohibiting the State Board of Colonization from receiving bequests to said society by individuals.

Which was not agreed to.

Mr. Marvin offered the following resolution :

*Resolved*, That when this House adjourn, it adjourn until next Monday, 2 o'clock, P. M.

Mr. Davis moved to lay the resolution on the table.

Which was not agreed to.

The question then being on the adoption of the resolution,  
The ayes and noes were demanded by Messrs. Davis of Sullivan and Larue.

*Those who voted in the affirmative were,*

Messrs. Batterton, Blake, Branham, Branson, Brown, Claypool, Colgrove, Conner of Hamilton, Crawford, Evans, Gordon, Harrison, Hawkins, Herod, Hutchings, Jefferis, Kerr, Lewis, Marvin, McDaniel, McFarland, Schermerhorn, Slicer, Sloss, Smith of Bartholomew, Steele, Trippet, Van Sandt, and Vawter—29.

*Those who voted in the negative were,*

Messrs. Austin, Allen, Bethell, Bowman, Boyd, Bryan, Carnahan, Clapp, Conner of Wabash, Conduitt, Crowe, Davis of Sullivan, Dobbins, Early, Hoagland, Landiss, Larue, Massey, Mercer, Merrifield, Modesitt, Moon, Moore, McDonald of Lake, McKinney, Neff, Price, Reyman, Robbins, Shoulders, Stillwell, Studabaker, Wagner, Wallace, Ward, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Yater, and Mr. Speaker—41.

So the resolution was not agreed to.

On motion,

Leave of absence was granted Messrs. Larue, Clark, Austin, Ricketts, McFarland, Lane, Branson, Steele, Blake, Sherrod, Tripet, Conner of Hamilton, Vawter, Hutchings, Batterton, Marvin, and Kerr, until Monday next, 12 o'clock, M.

# BILLS INTRODUCED.

By Mr. Branson,

House bill No. 235. A bill to amend the 22d section of chapter 38 of the Revised Statutes of 1852, relating to partition fences, &c.

Which was read a first time, and passed to a second reading.

By Mr. Steele,

No. 236. A bill to provide a bank department.

Mr. Steele moved to suspend the rules and read the bill a first time now, by its title.

The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Allen, Ayres, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Clapp, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Duncan, Early, Edson, Evans, Gordon, Harrison, Hawkins, Herod, Hoagland, Hutchings, Jefferis, Kerr, Landiss, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moon, McDaniel, McDonald of Lake, McFarland, McKinney, Price, Reyman, Robbins, Schermerhorn, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Van Sandt, Vawter, Wagner, Wallace, Ward, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Yater, and Mr. Speaker.—72.

*Those who voted in the negative were,*

Messrs. Moore, and Walpole—2.

So the rules were suspended, and the bill read a first time by its title.

Mr. Steele moved to suspend the rules and read the bill a second time now, by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Adams, Allen, Ayres, Ballenger, Batterton, Bethell, Blake, Boyd, Branham, Branson, Brown, Carnahan, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Evans, Gordon, Hawkins, Hutchings, Jefferis, Kerr, Landiss, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, McDaniel, McDonald of Lake, McFarland, McKinney, Neff, Price, Reyman, Robbins, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Trippet, Van Sandt, Vawter, Wagner, Wallace, Ward, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Yater, and Mr. Speaker—69.

*Those who voted in the negative were,*

Messrs. Bowman, Bryan, Early, Edson, Harrison, Moore, Studabaker, and Walpole—8.

So the rules were suspended, and the bill read a second time by its title.

On motion by Mr. Kerr,

The bill was laid on the table, and 200 copies ordered to be printed.

Mr. Cullen, from the committee on temperance, made the following report:

**MR. SPEAKER :**

The committee on temperance have had under consideration a bill regulating the sale of liquors, and a majority of the committee direct me to report the following bill and recommend its passage:

No. 237. A bill to regulate the sale of spirituous, vinous, malt, or intoxicating liquors.

Which was read a first time.

Mr. Cullen moved to suspend the rules and read the bill a second time now by its title;

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Adams, Ayres, Ballenger, Bethell, Blake, Branham, Brown, Bryan, Carnahan, Clapp, Conner of Hamilton, Conduitt, Crawford, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Early, Edson, Evans, Gordon, Harrison, Hoagland, Hutchings, Kerr, Landiss, Lewis, Massey, Marvin, Mercer, Merri-

field, Moon, McDaniel, McDonald of Lake, McFarland, McKinney, Neff, Reyman, Robbins, Schermerhorn, Shuman, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Studabaker, Vawter, Wallace, Walpole, Ward, Wiley, Williams of Knox, Williams of Lagrange, Williamson, and Mr. Speaker—60.

*Those who voted in the negative were,*

Messrs. Allen, Boyd, Branson, Conner of Wabash, Duncan, Hawkins, Herod, Jefferis, Modesitt, Moore, Price, Shoulders, Trippet, Van Sandt, Wagner, and Yater—16.

Mr. Colgrove refused to vote.

So the rules were suspended, and the bill read a second time by its title.

On motion by Mr. Carnahan,

The bill was laid on the table and 300 copies ordered to be printed.

By Mr. Merrifield,

No. 238. A bill to provide for the payment of costs and expenses in criminal and civil actions on change of venue.

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

*Senate bills on third reading.*

Senate bill, No. 14. A bill to provide for the approval of official bonds of constables,

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Allen, Ayres, Ballenger, Batterton, Bethell, Blake, Bowman, Royd, Branson, Brown, Bryan, Carnahan, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Evans, Harrison, Hawkins, Herod, Hoagland, Jefferis, Kerr, Landiss, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moon, Moore, Mc-

Daniel, McDonald of Lake, McFarland, McKinney, Neff, Price, Reyman, Robbins, Schermerhorn, Shoulders, Slicer, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Studabaker, Trippet, Vawter, Wagner, Wallace, Walpole, Ward, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Yater, and Mr. Speaker—73.

No member voting in the negative.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Senate bill No. 16. A bill providing for the taxation of costs in cases where lands are attached by process from the circuit courts and courts of common pleas, where the claim is less than fifty dollars,

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Ayres, Bethell, Ballenger, Batterton, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Clapp, Claypool, Conner of Hamilton, Conner of Wabash, Conduitt, Crowe, Cullen, Denby, Douglass, Duncan, Early, Hawkins, Jefferis, Kerr, Landiss, Lewis, Mercer, Modesitt, Moon, McDaniel, McDonald of Fountain, McFarland, Neff, Reyman, Robbins, Schermerhorn, Slicer, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Studabaker, Van Sandt, Vawter, Wagner, Wallace, Walpole, Ward, Williams of Lagrange, Williamson, and Mr. Speaker—54.

*Those who voted in the negative were,*

Messrs. Crawford, Davis of Sullivan, Dobbins, Evans, Gordon, Harrison, Herod, Hoagland, Marvin, Merrifield, Moore, McDonald of Lake, McKinney, Price, Shoulders, Trippet, Wiley, Williams of Knox, and Yater—19.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.



## HOUSE BILLS ON THIRD READING.

No. 52. A bill to amend the 31st section of an act, entitled an act dividing the State into counties, defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers, approved June 7, 1852, so as to rectify an error in defining the boundaries of Harrison county.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Allen, Ayres, Ballenger, Batterton, Bethell, Bowman, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Clapp, Claypool, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Denby, Dobbins, Douglass, Duncan, Early, Edson, Gordon, Harrison, Hawkins, Herod, Hoagland, Hutchings, Kerr, Landiss, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moon, Moore, McDaniel, McDonald of Lake, McFarland, McKinney, Neal, Price, Reyman, Robbins, Schermerhorn, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Studabaker, Trippet, Wagner, Wallace, Walpole, Ward, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Yater, and Mr. Speaker.—71.

No member voting in the negative.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

No. 90. A bill entitled an act to amend the first section of an act prescribing the powers and duties of Auditor of State.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Allen, Ayres, Ballenger, Bethell, Bowman, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Clapp, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Evans, Harrison, Herod, Hoagland, Hutchings, Jefferis, Kerr, Landiss, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moon, Moore, McDonald of Lake, McFarland, McKinney, Neff, Price, Reyman, Robbins, Schermerhorn, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Trippet, Van Sandt, Vawter,

Wagner, Wallace, Walpole, Ward, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Yater, and Mr. Speaker—73.

*Those who voted in the negative were,*

Messrs. Gordon and Studabaker—2.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

No. 176. A bill to repeal an act to incorporate the town of Vernon.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Allen, Ayres, Ballenger, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Clapp, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Evans, Gordon, Harrison, Herod, Hoagland, Hutchings, Kerr, Landiss, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moon, Moore, McDaniel, McDonald of Fountain, McDonald of Lake, McFarland, McKinney, Neal, Price, Reyman, Robbins, Schermerhorn, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Trippet, Van Sandt, Vawter, Wagner, Wallace, Walpole, Ward, Wiley, Williams of Lagrange, Williamson, Yater and Mr. Speaker—74.

Mr. Williams of Knox voted in the negative.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

No. 119. A bill regulating the fees of county auditors.

Was read a third time, and

On motion by Mr. Bethell,

Laid on the table.

No. 183. A bill to amend section 68 of an act, entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State, approved June 17, 1852.

Was read a third time.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Adams, Allen, Ayres, Ballenger, Bethell, Boyd, Branham, Brown, Bryan, Carnahan, Clapp, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Edson, Gordon, Harrison, Hoagland, Hutchings, Kerr, Landiss, Lewis, Massey, Mercer, Merrifield, Modesitt, Moon, Moore, McDonald of Fountain, McDonald of Lake, McFarland, McKinney, Neff, Price, Reyman, Robbins, Schermerhorn, Shoulders, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Studabaker, Trippet, Van Sandt, Vawter, Wallace, Walpole, Ward, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker—64.

*Those who voted in the negative were,*

Messrs. Bowman, Branson, Conduitt, Early, Herod, and Marvin—7.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

No. 189. A bill extending the provisions of chapter eighty of the revised statutes of 1852, being an act authorizing the construction of plank, McAdamized and gravel roads, and the provisions of chapter 75 of the acts of 1855, being an act in relation to plank, McAdamized, tram and gravel road companies, to tram road companies.

Which was read a third time, and by consent laid on the table.

No. 118. A bill to enable the common councils of the several incorporated cities of this State to prescribe, by ordinance, the time within which the annual assessments for city purposes shall be made, and the rolls thereof returned, and the time within which the city tax rolls or duplicates shall be made and delivered to the collecting officers; and also, the time within which such collecting officers shall make their collections and return.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Allen, Ayres, Ballenger, Bethell, Bowman, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Clapp, Claypool,

Colgrove, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Evans, Gordon, Herod, Hoagland, Hutchings, Kerr, Landiss, Lewis, Massey, Marvin, Mercer, Modesitt, Moon, Moore, McDaniel, McDonald of Fountain, McDonald of Lake, McFarland, McKinney, Neff, Price, Reyman, Robbins, Schermerhorn, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Stillwell, Studabaker, Trippet, Van Sandt, Vawter, Wagner, Wallace, Walpole, Ward, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Yater, and Mr. Speaker—72.

No person voting in the negative.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

House Joint Resolution No. 10. A joint resolution on the subject of the election of United States Senators.

Was read a third time, and,

On motion by Mr. Claypool,

Laid on the table.

No. 105. A bill to provide for the sale of school lands in cases therein mentioned.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Allen, Ayres, Ballenger, Bethell, Bowman, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Clapp, Claypool, Colgrove, Conner of Wabash, Conduitt, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Evans, Gordon, Harrison, Hoagland, Hutchings, Kerr, Landiss, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moon, McDaniel, McDonald of Fountain, McDonald of Lake, McFarland, McKinney, Price, Reyman, Robbins, Schermerhorn, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Studabaker, Trippet, Van Sandt, Vawter, Wallace, Ward, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Yater, and Mr. Speaker—67.

*Those who voted in the negative were,*

Messrs. Crawford, Moore and Wagner—3.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 134. A bill to amend the first section of an act entitled, an act providing for the incorporation of bridge companies, approved March 9th, 1852, so as to authorize bridge companies to construct embankments across low bottoms and receive tolls.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ballenger, Brown, Bryan, Clapp, Claypool, Crawford, Cullen, Dobbins, Douglass, Kerr, Lewis, Marvin, Merrifield, Moon, McDonald of Lake, McFarland, Neff, Reyman, Sloss, Smith of Bartholomew, Van Sandt, Wagner, Wallace, Ward, Williams of Knox, Williamson, and Mr. Speaker—27.

*Those who voted in the negative were,*

Messrs. Adams, Allen, Ayres, Bethell, Bowman, Boyd, Branham, Branson, Carnahan, Colgrove, Conner of Wabash, Conduitt, Crowe, Davis of Sullivan, Denby, Duncan, Early, Edson, Gordon, Harrison, Hoagland, Hutchings, Landiss, Massey, Mercer, Modesitt, Moore, McDaniel, McDonald of Fountain, McKinney, Price, Robbins, Schermerhorn, Shoulders, Shuman, Slicer, Stillwell, Studabaker, Vawter, Wiley, Williams of Lagrange, and Yater—42.

So the bill was lost for the want of a constitutional majority.

No. 190. A bill supplemental to an act to provide for the election, and fixing the compensation, and prescribing the duties of Attorney General of the State of Indiana, approved February 21st, 1855.

Was read a third time, and,

On motion by Mr. Gordon,

The further consideration of the bill was postponed until Thursday next, at 2 o'clock, P. M., and made the special order of the day, for that hour.

#### HOUSE BILLS ON SECOND READING.

No. 192. A bill to amend section 315 of an act entitled an act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of

justice in a uniform mode of pleading and practice, without distinction between law and equity.

Was read a second time, and ordered to be engrossed.

No. 193. A bill to designate the time and manner of electing senators in Congress, and State officers who are chosen by the General Assembly.

Was read a third time, and,

On motion by Mr. Ward,

Referred to the committee on elections.

No. 194. A bill to amend sections 64, 65, 66, 67, 70, 71, 72, and 73 of an act entitled an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, appraisers of real property, county treasurers and auditors, and of the treasurer and auditor of State, approved June 21st, 1852, so as to abolish the office of township assessors and to provide for the election of county assessors.

Was read a second time, and,

On motion by Mr. Williams of Lagrange,

Referred to the committee on ways and means.

No. 195. A bill defining the rights of and providing remedies for purchasers of the property, corporate franchises, rights, privileges, easements, immunities, and effects of plank road, township, and rail road corporations.

Was read a second time.

On motion by Mr. Hoagland,

Referred to the committee on the judiciary.

No. 196. A bill to amend sections 12 and 13 of an act to organize the militia, providing for the appointment and prescribing the duties of certain officers thereof, and for the more efficient organization of the militia.

Was read a second time.

On motion by Mr. Bethel,

Referred to the committee on military affairs.

No. 197. A bill to compel owners of town lots to grade and pave side walks.

Was read a second time.

On motion by Mr. Conner of Wabash,

Referred to the committee on corporations.

No. 198. A bill to authorize the Treasurer and Auditor of State to change the denomination of bonds issued under the law of 1855.

Was read a second time.



On motion by Mr. Moore,  
Referred to the committee on the judiciary.

No. 199. A bill to authorize the State of Illinois to maintain the Calumet feeder dam, and securing the use of the waters of the Calumet river, and providing the manner of assessing damages sustained by the citizens of Indiana by the erection thereof, and regulating the draining of swamp lands adjacent to the Calumet river in the State of Indiana.

Was read a second time.

On motion by Mr. McDonald of Lake,  
Referred to the committee on the judiciary.

No. 200. A bill to authorize the Governor to appoint commissioners to take acknowledgment of deeds or other contracts, and depositions in foreign countries; and to amend section 1 of an act entitled an act authorizing the appointment, and prescribing the powers of commissioners in other States to take acknowledgments of deeds and other instruments, and depositions, approved May 31, 1852.

Was read a second time.

On motion by Mr. Moore,  
Referred to the committee on the rights and privileges of the inhabitants of the State.

On motion by Mr. Carnahan,  
The House adjourned.

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2 o'clock, P. M.

The House met.

A message from the Senate by Mr. Harvey, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills thereof, viz :

No. 4. A bill to authorize the appointment of some person to hold the common pleas court in case of absence or sickness of the judge.

Senate bill No. 4, contained in the foregoing message.  
Was read a first time, and passed to a second reading.

A message from the Senate by Mr. Harvey, their Secretary:

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills thereof, viz :

Bill No. 13. A bill to amend the 6th, 7th and 18th sections of an act entitled, an act regulating the granting of divorces, nullification of marriages, and decrees and orders of courts incident thereto, approved May 13, 1852.

Bill No. 62. A bill to amend the 3d section of an act to regulate the title of all those who purchased swamp lands of the United States, after the date of the donation and before the selection of the swamp lands by the State of Indiana; approved March 5, 1855.  
Also,

Bill No. 38. A bill to authorize county recorders to demand their fees in advance. Also,

Bill No. 65. A bill to amend sections 33 and 128 of an act, entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852.

In which the concurrence of the House is respectfully requested.

The bills contained in the foregoing message, were severally read a first time and passed to a second reading.

A message from the Senate by Mr. Harvey, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills thereof, viz :

No. 28. A bill to enable assignees of school lands certificates to obtain deeds when the assignment has not been acknowledged.  
Also,

No. 36. A bill to provide for a change of venue in civil cases, on account of prejudice of the presiding judge. Also,

No. 37. A bill to amend the 1st section of an act entitled, "an act to amend the charter of the Indianapolis and Bellefontaine Railroad Company;" passed January, 1850. Also,

No. 50. A bill to amend an act entitled, "an act to incorporate the Clay Cotton Mills;" approved February 15, 1848. And also,

No. 56. A bill to provide for the relief and support of married women when deserted by their husbands, and children when deserted by their parents, by the sale of property.

In which the concurrence of the House is respectfully requested.

Senate bills Nos. 28, 36, 37, 50 and 56, contained in the foregoing message,

Were severally, read a first time, and passed to a second reading.

A message from the Senate by Mr. Harvey, their Secretary :

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed joint resolutions thereof, viz :

No. 1. A joint resolution on the subject of printing the Statutes. Also,

No. 3. A joint resolution authorizing the Superintendent of Public Instruction to distribute the balance of the school funds in the treasury, and directing the proper officers to disburse the same, and providing compensation therefor.

In which the concurrence of the Senate is respectfully requested.

Senate joint resolution Nos. 1 and 3 contained in the foregoing message, were severally read a first time, and passed to a second reading.

A message from the Senate by Mr. Harvey, their Secretary.

**MR. SPEAKER :**

I am directed, by the Senate, to inform the House of Representatives, that the Senate have passed the following preamble and resolutions, viz :

**WHEREAS**, Serious complaints are being made by the people residing on the southern sections of the canal, relative to alleged mismanagement on the part of certain officers charged with the care of the canal interests, therefore,

*Resolved by the Senate,* (the House concurring,) That a committee of three on the part of each House be appointed to examine into such alleged mismanagement, and enquire into the grounds of said complaint, and that they be authorized to communicate with such canal officers and other persons as they may deem proper, for the furtherance of the object of the appointment of said committee, and that they report to each House as speedily as possible.

In which the concurrence of the House is respectfully requested.

And that Messrs. Drew, Hargrove and Freeland, are appointed said committee on the part of the Senate.

The resolution contained in the foregoing message was concurred in by the House, and Messrs. Denby, Massey and Slicer appointed said committee on the part of the House.

*Ordered,* That the Clerk inform the Senate thereof.

### *House Bills on Second Reading.*

No. 201. A bill to amend section 32 of chapter 6 of the revised statutes of 1852, being an act, entitled an act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State, approved June 21, 1852.

Was read a third time, and

On motion by Mr. Colgrove,

Referred to the committee on ways and means.

No. 202. A bill to amend the first section of an act, entitled an act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith, approved June 14, 1852.

Was read a second time, and,

On motion by Mr. Kerr,

Referred to the committee on education.

No. 203. A bill to amend the second section of an act, entitled an act to amend the 24th, 31st, 33d, and 37th sections of an act, entitled an act to provide for the opening, vacating and change of highways, approved June 17, 1852, approved March 3, 1855.

Was read a second time, and

On motion by Mr. Bethell,

Referred to the committee on roads.

No. 204. A bill in relation to the subscribers to the stock of H. J.—37.

any contemplated railroad before the formation of the corporation, the effect thereof, and how the same may be enforced.

Was read a second time, and

On motion by Mr. Bethell,

Referred to the committee on corporations.

No. 205. A bill to regulate the selling of spirituous or intoxicating liquor, and for the suppression of evils arising therefrom.

Was read a second time.

On motion by Mr. Williams of Lagrange.

Referred to the committee on temperance.

No. 206. A bill to provide for the collection, safe keeping, transfer and disbursement of the State and county revenues.

Was read a second time, and

On motion by Mr. Bethell,

Referred to the committee on ways and means.

No. 207. A bill to amend the title of an act concerning licenses, to vend foreign merchandize, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show and legerdemain.

Was read a second time.

On motion by Mr. Walpole.

Referred to the committee on the judiciary.

No. 208. A bill authorizing and requiring executors, administrators and guardians to give notice of the time at which they intend to make final settlement.

Was read a second time, and

On motion by Mr. Studabaker,

Referred to the committee on the judiciary.

No. 209. A bill to amend the sixth section of an act, entitled an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana ; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State, approved June 21, 1852, so as to exempt certain property therein named from taxation.

Was read a second time, and

On motion by Mr. Kerr,

Referred to the committee on the judiciary.

No. 210. A bill to amend the 26th section of an act, entitled an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for, the judges thereof, approved May 14, 1852.

Was read a second time, and

On motion by Mr. Kerr.

Referred to the committee on the judiciary.

No. 211. A bill authorizing the recording of patents for lands, and making such records, and copies from such records evidence, and allowing recorders fees for recording the same.

Was read a second time, and ordered to be engrossed.

No. 212. A bill to amend section one of an act, entitled an act authorizing proceedings to try the right of property seized by virtue of writ of any execution or attachment, and claimed by any person other than the execution or attachment defendant, approved June 10, 1852.

Was read a second time, and

On motion by Mr. Studabaker,

Referred to the committee on the judiciary.

No. 214. A bill for the protection of farms from the destruction of fire.

Was read a second time, and,

On motion by Mr. Robbins,

Referred to the committee on rights and privileges.

No. 215. A bill to amend section 91 of an act, entitled an act to establish a bank with branches, approved March 3d, 1855.

Was read a second time, and

On motion by Mr. Davis of Sullivan,

Referred to a select committee of three, consisting of Messrs. Branson, Steele, and Williams of Knox.

No. 216. A bill to authorize the formation of railroad companies in certain cases, and to regulate the same.

Was read a second time.

On motion by Mr. Hoagland,

Referred to the committee on the judiciary.

No. 217. A bill to amend the 42d section of the 8th chapter of the revised statutes of 1852, approved May 14th, 1852, and entitled an act to establish courts of common pleas, and defining the jurisdiction and duties of and providing compensation for the judges thereof.

Was read a second time, and,

On motion by Mr. Bethell,

Referred to the committee on the judiciary.

No. 218. A bill to provide for the docketing of guardianships, the duties of clerks, and fixing the fees therefor.

Was read a second time, and,

On motion by Mr. Merrifield,

Referred to the committee on the judiciary.



No. 219. A bill to provide for the repeal of the first section of common school law. approved March 5th. 1855.

Was read a second time, and,

On motion by Mr. Wagner,

Referred to the committee on education.

No 220. A bill to prohibit the issue of bank notes for circulation by the bank of the State of Indiana, upon deposit, and to provide for the location of additional branches of said bank.

Was read a second time, and,

On motion by Mr. Kerr,

Referred to the committee on the judiciary.

No, 221. A bill to reduce the width of the Michigan road lying between Indianapolis and Logansport, from 100 feet to 60 feet in width.

Was read a second time, and,

On motion by Mr. Walpole,

Referred to the committee on the judiciary.

No. 222. A bill to appropriate the sum of \$354 85 to pay the claim of the city of Evansville against the State of Indiana, for the amount paid by said city, on account of arms, ammunition, and provisions furnished the force called out by the Governor to protect the works and structures of the Wabash and Erie canal, in the month of June. 1856.

Was read a second time, and,

On motion by Mr. Denby,

Referred to the committee on claims.

No. 223. A bill for the more uniform mode of doing township business.

Was read a second time, and,

On motion by Mr. Dobbins,

Referred to the committee on township business.

No. 224. A bill for the relief of persons who have borrowed money from the sinking fund of this State.

Was read a second time, and,

On motion by Mr. Moore,

Referred to the committee on sinking fund.

No. 225. A bill to provide for the distribution of the surplus copies of the revised statutes of 1852, printed in the German language.

Was read a second time, and ordered to be engrossed.

No. 226. A bill prohibiting persons holding suspended or broken bank bills from passing the same, and prescribing the penalties therefor.

Was read a second time, and,

On motion by Mr. Kerr,  
Referred to the committee on the judiciary.

No. 227. A bill to amend an act to authorize and limit allowances by courts and boards, and drafts upon county treasuries, approved May 27, 1852.

Was read a second time, and,

On motion by Mr. Dobbins,  
Referred to the committee on surgery.

No. 228. A bill to amend the 83d section of an act entitled, an act making specific appropriations for the year 1855.

Was read a second time, and,

On motion by Mr. Stillwell,  
Referred to the committee on claims.

No. 229. A bill to provide for the redemption of the circulating notes of the Shawnee and Gramercy banks.

Was read a second time, and,

On motion by Mr. Schermerhorn,  
Referred to a special committee consisting of Messrs. Schermerhorn, Blake, Grose, Larue, and Mercer.

No. 230. A bill to amend the 2d section of an act entitled, "an act to provide for the re-locating of county seats, and for the erection of public buildings in counties in case of such re-location, approved March 2, 1855, and to provide for the relief of property holders in towns from which county seats may be removed.

Was read a second time, and,

On motion by Mr. Davis of Sullivan,  
Referred to the committee on county and township business.

No. 231. A bill to amend the 1st section of an act entitled, "an act declaratory of the law regulating marriages, and enforcing the provisions thereof by proper penalties," approved March 5, 1852, and to define the degrees of consanguinity and affinity prohibited in marriage.

Was read a second time, and,

On motion by Mr. Carnahan,  
Referred to the committee on the rights and privileges of the inhabitants of the State.

No. 232. A bill to amend the 23d section of an act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, appraisers of real property, county treasurers and auditors, and of the treasurer and auditor of State, approved June 21st, 1852.

Was read a second time, and ordered to be engrossed.

No. 233. A bill to authorize county commissioners to award compensation for the services of agents employed in arresting fugitives from justice.

Was read a second time, and

On motion by Mr. William of Lagrange,

Referred to the committee on the judiciary.

No. 234. A bill supplemental to an act entitled, "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof," approved March 5, 1855.

Was read a second time, and

On motion by Mr. Studabaker,

Referred to the committee on education.

On motion by Mr. Edson,

The vote on.

House bill No. 211. A bill authorizing the recording of patents for lands, and making such records and copies from such records evidence, and allowing recorders fees for recording the same.

Was reconsidered, and

On motion by Mr. Edson,

The bill was referred to a select committee, consisting of Messrs. Edson, Claypool, Wagner, Walpole and Merrifield.

By unanimous consent,

Mr. Hoagland offered the following resolution:

*Resolved*, That the clerk of the supreme court furnish to this House full information on the following points:

- 1st. The number of cases now on the docket of that court.
- 2d. How many appeals from the circuit, and how many from the common pleas.
- 3d. How many of these cases stand submitted.
- 4th. What number of cases were disposed of at the November term, 1856.
- 5th. What number of pages will the opinions of the November term, 1856, probably make in the reports.

And that the clerk of the supreme court be requested to report to this House as early as practicable.

Which was agreed to.

*Resolved*, That the Post Master of the city of Indianapolis, be requested to inform this House, whether the printed matter mailed by the members of this House, is properly and in proper time, mailed for its points of designation.

Post Office, Indianapolis, }  
February 14, 1857. }

For a response to the above resolution, the Post Master respectfully refers to his voluntary letter to the Hon. Speaker, of this date, written, and sent to the House by a messenger, before the receipt of the resolution.

W. W. WICK, P. M.

The communication was read and laid on the table.

By unanimous consent,

Mr. Claypool presented the petition of Patrick Shannon in reference to a canal claim.

Which was referred to the committee on the judiciary.

By unanimous consent,

Mr. Denby, from a select committee, made the following report:

**MR. SPEAKER:**

The select committee to whom was referred House bill No. 185, being a bill to relieve Nathan Rowling, &c.; have had the same under consideration, and instructed me to report the same back and recommend its passage.

Which report was concurred in and the bill ordered to be engrossed.

A message from the Senate, by Mr. Harvey, their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following bills of the House, without amendment, viz:

Bill No. 11. A bill to amend the 2d section of an act entitled, "an act concerning the organization of voluntary associations, and repealing former laws in reference thereto," approved February 12, 1855, so as to authorize the formation of Ferry Companies.—Also.

House bill No. 111. A bill to provide for the annexation of incorporated towns to incorporated cities, and for the consolidation or union of incorporated towns and incorporated cities. Also,

House bill No. 165. A bill to amend section 2 of an act entitled "an act to change the time of holding courts in the eleventh judicial circuit."

Mr. Marvin, from the committee on engrossed bills, made the following report, to-wit :

MR. SPEAKER :

The committee on engrossed bills have examined bills Nos. 22, 35, 190, 103, 188, 105 and 100, and find the same correctly engrossed, and direct me so to report.

Mr. Crowe, chairman of the committee on enrolled bills, made the following report :

MR. SPEAKER :

The committee on enrolled bills have compared House bill No. 165 with the engrossed bill thereof, and find the same to be correctly enrolled.

On motion by Mr. Carnahan,  
The House adjourned.

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MONDAY MORNING, 9 O'CLOCK. }  
Febr'y 16, 1857. }

The House met.

On motion by Mr. Carnahan,  
The further reading of the journal was dispensed with.

PETITIONS, MEMORIALS, AND REMONSTRANCES.

By Mr. Clapp,

A remonstrance signed by sundry citizens of Noble county, relative to township business.

Which,

On motion,

Was referred to the committee on county and township business.

By Mr. Williamson,

A petition signed by sundry citizens of this State, relative to milk sickness.

Which,

On motion,

Was referred to the committee on surgery and medicine.

#### RESOLUTIONS.

On motion by Mr. Lane,

*Resolved*, That the committee on sinking fund be requested to return the communication and abstract of report of the President of sinking fund.

On motion by Mr. Bethell,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of making it the duty of some person to act as register, and to countersign all certificates of stock issued according to the suggestion of the Agent of State in his annual report, and report in such way as they may think proper.

#### BILLS INTRODUCED.

By Mr. Claypool,

No. 239. A bill to repeal section 21, of an act, entitled an act for the prevention of frauds and perjuries, and requiring certain contracts to be in writing, and declaring certain conveyances, assignments, contracts, and mortgages void, approved June 9, 1852, be and the same is hereby repealed.

Which was read a first time, and passed to a second reading.

By Mr. Neff,

No. 240. A bill to amend section 17 of an act, entitled an act regulating prosecutions in cases of bastardy, and providing for the support of illegitimate children, approved May 6, 1852.

Which was read a first time, and passed to a second reading.

By unanimous consent,

On motion by Mr. Kerr,

*Resolved*, That the committee on banks, to whom was referred House bill No. 55, entitled a bill to prevent the circulation of unauthorized currency, be instructed at the earliest practicable period to report on and return said bill to this House.



Mr. Denby, chairman of the committee on elections, made the following report :

MR. SPEAKER :

The committee on elections, to whom was referred House bill No. 173, a bill to prevent emigration of voters from one county to another, &c., have had the same under consideration, and have instructed me to report it back, and recommend its passage.

Which report was concurred in and the bill ordered to be engrossed.

#### BILLS INTRODUCED.

By Mr. Kerr,

No. 241. A bill to establish forms for criminal proceedings, and to declare valid the use of such forms heretofore.

Which was read a first time, and passed to a second reading.

By Mr. McDonald of Lake,

No. 242. A bill to enable the different counties in the State having a swamp land fund, to ascertain and use the amount thereof, for the purpose of ditching the swamp lands therein.

Which was read a first time, and passed to a second reading.

By Mr. Crowe,

No. 243. A bill to prescribe the manner of transacting township business, and to repeal an act entitled an act for the more uniform mode of doing township business, approved May 6th, 1852.

Which was read a first time, and passed to a second reading.

By Mr. Crawford,

No. 244. A bill to amend section 17 of an act providing for the organization of county boards, and prescribing some of their powers and duties, approved June 17, 1852, so as to enable county commissioners to borrow twenty thousand dollars for county purposes.

Which was read a first time, and passed to a second reading.

By Mr. Kerr,

No. 245. A bill to amend the 207th section of an act, entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish dis-

inct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1855, so as to authorize a change of venue in certain cases.

Which was read a first time, and passed to a second reading.

By Mr. Branham,

No. 246. A bill to repeal the repealing clause of section 57 in an act, entitled an act for the incorporation of insurance companies, defining their powers and prescribing their duties, approved June 17, 1852, and to revise the act incorporating the Madison and marine insurance company.

Which was read a first time, and passed to a second reading.

On motion by Mr. Grose.

*Resolved*, That the clerk of the supreme court is hereby requested to communicate to this House the number of cases now pending in said court; what number now under advisement; what number has been under advisement for twelve months, and yet undecided; what number has been under advisement for two years, and yet undecided; what number under advisement for three years, and yet undecided; how many submitted at the recent term, and how many decided at the same.

By Mr. Kerr,

No. 247. A bill supplemental to an act, entitled an act concerning county prisons, approved May 27, 1852, and to authorize the establishment of work houses, and the confinement of certain persons therein at labor.

Which was read a first time and passed to a second reading.

Mr. Edson, chairman of a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred House bill No. 211, entitled a bill authorizing the recording of patents for lands, and making such records evidence, and allowing recorders fees for recording the same, have had the same under consideration, and have directed me to report it back, and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

By Mr. Douglass.

No. 248. A bill to amend the 7th section of an act, entitled an

act for the relief of the poor, approved June 9, 1852, so as to authorize boards of county commissioners to provide in certain counties for keeping the poor.

Which was read a first time and passed to a second reading.

By Mr. Douglass,

No. 249. A bill to amend the first and third sections of an act, entitled an act to provide a site, system of government, and plans for the erection of a State house of refuge for the correction and reformation of juvenile offenders, approved March 3, 1855.

Which was read a first time, and passed to a second reading.

By Mr. Wagner,

No. 250. A bill to amend sections one and six of an act, entitled an act for the encouragement of agriculture, approved February 17, 1852.

Which was read a first time, and passed to a second reading.

#### HOUSE JOINT RESOLUTION.

By Mr. Studabaker,

Joint resolution No. 12. Joint resolution relative to distribution of acts of 1855 to Adams county.

Which was read a first time, and passed to a second reading.

#### ORDERS OF THE DAY RESUMED.

#### *Senate Joint Resolutions on Second Reading.*

No. 1. A joint resolution on the subject of printing the statutes.

Was read a second time, and ordered to a third reading.

No. 3. A joint resolution authorizing the superintendent of public instruction to distribute the balance of the school funds in the treasury, and directing the proper officers to disburse the same, and providing compensation therefor.

Was read a second time, and,

On motion by Mr. Lane,

Referred to the committee on education.

#### SENATE BILLS ON SECOND READING.

No. 4. A bill to authorize the appointment of some person to hold the common pleas court in case of the absence or sickness of the judge.

Was read a second time, and,

On motion by Mr. Neff,  
Referred to the committee on the organization of courts.

Senate bill No. 13. A bill to amend the 67th and 18th sections of an act entitled, "an act regulating the granting of divorces, nullification of marriages, and decrees and orders of courts incident thereto.

Was read a second time, and,  
On motion by Mr. Studabaker,  
Referred to the committee on the judiciary.

No. 28. A bill to enable assignees of school land certificates to obtain deeds when the assignment has not been acknowledged.

Was read a second time, and,  
On motion by Mr. Bethell,  
Referred to the committee on corporations.

No. 36. A bill to provide for a change of venue in civil cases on account of prejudice of the presiding judge.

Was read a second time, and,  
On motion by Mr. Humphreys,  
Referred to the committee on the judiciary.

No. 37. A bill to amend the first section of an act entitled, an act to amend the charter of the Indianapolis and Bellefontaine railroad, passed January, 1850.

Was read a second time, and,  
On motion by Mr. Davis of Sullivan,  
Referred to the committee on railroads.

No. 38. A bill to authorize county recorders to demand their fees in advance.

Was read a second time, and,  
On motion by Mr. Merrifield,  
Referred to the committee on fees and salaries.

No. 50. A bill to amend an act to incorporate the Clay Cotton Mills, approved February 15th, 1848.

Was read a second time, and,  
On motion by Mr. Bethell,  
Referred to the committee on corporations.

No. 56. A bill to provide for further relief and support of married women when deserted by their husbands, and children when deserted by their parents by the sale of property.

Was read a second time, and,  
On motion by Mr. Colgrove,  
Referred to the committee on the judiciary.

No. 62. A bill to amend the 3d section of an act to regulate the title of all those who purchased swamp lands of the United States after date of the donation and before the selection of the swamp lands by the State of Indiana, approved March 5th, 1855.

Was read a second time, and,

On motion by Mr. Crowe,

Referred to the committee on swamp lands.

No. 65. A bill to amend sections 33 and 128 of an act entitled, an act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18th, 1852.

Was read a second time, and,

On motion by Mr. Dobbins,

Referred to the committee on the judiciary.

#### HOUSE BILLS ON SECOND READING.

No. 238. A bill to provide for the payment of costs and expenses in criminal and civil actions on change of venue.

Was read a second time, and,

On motion by Mr. Merrifield,

Referred to the committee on the judiciary.

No. 235. A bill to amend the 22d section of chapter 38 of revised statutes of 1852, relating to partition fences.

Was read a second time, and,

On motion by Davis of Sullivan,

Referred to the committee on agriculture.

By unanimous consent,

Mr. Denby introduced the following House bill,

No. 251. A bill to legalize the collection of taxes made during the year 1856, in conformity with an act entitled, "an act to appraise the real estate of this State, and to make the value of the same equal and uniform throughout this State, approved February 13th, 1851.

Which was read a first time, and passed to a second reading.

On motion by Mr. Bethell,

House bill No. 180. A bill for the more efficient and just mode of carrying out the provisions of the fugitive slave law.

Was taken from the table, and,

On motion by Mr. Bethell,

Referred to a select committee of five, consisting of Messrs. Bethell, Sherrod, Blake, Kerr, and Walpole.

On motion by Mr. Schermerhorn,

The vote on the passage of House bill No. 134. A bill to amend the first section of an act entitled, "an act providing for the incorporation of bridge companies," approved March 9th, 1852, so as to authorize bridge companies to construct embankments across low bottoms and receive toll,

Was reconsidered.

On motion by Mr. Blake,

The bill was recommitted to the committee on the judiciary, with the following instructions: "To add a section providing for the obtaining of right of way and assessment of damages."

Mr. Williams of Knox, from the committee on engrossed bills, made the following report:

**MR. SPEAKER :**

"The committee on engrossed bills have examined bills No. 232, 192, 225, and joint resolution No. 11 of the House, and find them correctly engrossed.

Mr. Williams of Knox, from the committee on engrossed bills, made the following report :

**MR. SPEAKER :**

The committee on engrossed bills have examined bills Nos. 185, 211, and 178, and find them correctly engrossed.

Mr. Marvin, chairman of the committee on engrossed bills, made the following report :

**MR SPEAKER :**

The committee on engrossed bills, to whom was referred House bill No. 55, have compared the same with the engrossed bill, and find the same correctly engrossed.

Mr. Crowe, chairman of the committee on enrolled bills, made the following report :

**MR. SPEAKER :**

The committee on enrolled bills, have compared enrolled bills of



the House No. 11 and 111, with engrossed copies thereof, and had the same correctly enrolled.

On motion by Mr. Humphreys,  
The House adjourned.

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2 O'CLOCK P. M.

The House met.

By unanimous consent,  
Mr. Walpole introduced,

House bill No. 252. A bill to authorize the common council of any city, and trustees of any incorporated town, to prescribe by ordinance the rate of speed at which locomotives and cars may be run within the limits of such cities and incorporated towns, and designating the penalty for violating such ordinance.

Which was read a first time, and passed to a second reading.

By unanimous consent,  
Mr. Wallace introduced,

No. 253. A bill to declare abandoned, plank roads, McAdamized roads and public highways.

Which was read a first time, and passed to a second reading.

By unanimous consent,  
Mr. Walpole introduced,

No. 254. A bill to regulate the local fares of railroad companies, to insure the prompt transportation of local and way freights, and to regulate the compensation therefor.

Which was read a first time, and passed to a second reading.

By unanimous consent,  
Mr. Shuman introduced the following :

House bill No. 255. A bill amending the 12th section of an act entitled an act to authorize the construction of levees and drains.

Which was read a first time, and passed to a second reading.

Mr. Humphreys, from a select committee, made the following report:

MR. SPEAKER:

In obedience to a resolution passed the House this morning, calling on the committee on banks to report back bill No. 55, I herewith comply:

No. 55. A bill to prevent the circulation of unauthorized currency.

Which was ordered to be engrossed.

On motion by Mr. Dobbins,

House bill No. 243. A bill to prescribe the manner of transacting township business, and to repeal an act entitled an act for the more uniform mode of doing township business, approved May 6, 1852.  
Was taken up.

Mr. Dobbins moved to suspend the rules and read the bill a second time now by its title.

The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Allen, Austin, Ayres, Ballenger, Bethell, Blake, Bowman, Boyd, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Claypool, Conner of Hamilton, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Evans, Gordon, Grose, Hayden, Herod, Humphreys, Kerr, Landiss, Lane, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moon, Moore, McDaniel, McDonald of Fountain, McDonald of Lake, McFarland, McGinnis, Neal, Price, Reese, Reyman, Ricketts, Robbins, Sherrod, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stone, Studabaker, Todd, Van Sandt, Vawter, Wagner, Wallace, Walpole, Ward, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Yater and Mr. Speaker—78.

So the rules were suspended and the bill read a second time by its title.

On motion by Mr. Crouse,

The bill was referred to committee on county and township business.

On motion by Mr. Lane,

House bill No. 154. A bill to refund money paid on sale of land for taxes.

Was taken from the table.

H. J.—38.

Mr. Grose moved to recommit the bill to the judiciary committee with the following instructions:

"Strike out ten per cent."

Which was agreed to.

Mr. Claypool moved to amend the instructions by inserting six per cent.

Which was not agreed to.

### *House Bills on Third Reading.*

No. 101. A bill to amend the second section of article second of the constitution of the State.

Was read a third time.

Mr. Blake moved to re-commit with instructions:

"Strike out 40 and insert 20."

"Strike out township and precinct and insert county "

Which was not agreed to.

Mr. Studabaker moved to re-commit with the following instructions:

Strike out 40 and insert 10 days in the precinct.

The ayes and noes were demanded by Messrs. Grose and Gordon.

### *Those who voted in the affirmative were,*

Messrs. Austin, Bethell, Branson, Bryan, Carnahan, Clark, Claypool, Denby, Dobbins, Douglass, Duncan, Early, Edson, Harrison, Herod, Hoagland, Landiss, Lewis, Massey, Marvin, Modesitt, Sherrod, Shoulders, Smith of Delaware, Stillwell, Studabaker, Wagner, Williams of Knox, and Williamson—29.

### *Those who voted in the negative were,*

Messrs. Adams, Allen, Batterton, Blake, Bowman, Boyd, Branham, Brown, Clapp, Conner of Hamilton, Conduitt, Crawford, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Evans, Gordon, Grose, Hayden, Humphreys, Jefferis, Kerr, Lane, Mercer, Merrifield, Moon, Moore, McDaniel, McDonald of Lake, McFarland, McGinnis, Neff, Price, Reyman, Ricketts, Robbins, Shuman, Slicer, Sloss, Smith of Bartholomew, Steele, Stone, Todd, Van Sandt, Vawter, Wallace, Walpole, Ward, Wiley, Williams of Lagrange, Yater, and Mr. Speaker—54.

So the bill was not recommitted.

Mr. Gordon moved to recommit the bill with the following instructions :

Recommit with instructions to strike out all that part of the bill which follows the word "election," and precedes the words "shall be entitled to vote," &c.

Mr. Carnahan moved a call of the previous question.

Which was seconded by the House.

The question being, shall the main question be now put ?

It was agreed to.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Blake, Bowman, Boyd, Branson, Brown, Carnahan, Clapp, Conner of Hamilton, Conduitt, Crawford, Crowe, Cullen, Davis of Hendricks, Early, Edson, Gordon, Grose, Hayden, Humphreys, Jefferis, Kerr, Lane, Larue, Massey, Mercer, Merrifield, Moon, McDaniel, McDonald of Lake, McFarland, Neff, Price, Keyman, Ricketts, Robbins, Schermerhorn, Slicer, Sloss, Smith of Bartholomew, Steele, Stone, Studabaker, Todd, Van Sandt, Vawter, Wallace, Walpole, Ward, and Yaier—49.

*Those who voted in the negative were,*

Messrs. Adams, Allen, Austin, Ayres, Ballenger, Batterton, Bethell, Branham, Bryan, Clark, Claypool, Colgrove, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Harrison, Herod, Hoagland, Landiss, Lewis, Marvin, Modesitt, Moore, McGinnis, Reese, Sherrod, Shoulders, Shuman, Smith of Delaware, Stillwell, Wagner, Wiley, Williams of Knox, Williams of Lagrange, Williamson, and Mr. Speaker—37.

So the bill did not pass for the want of a constitutional majority.

On motion by Mr. Denby,

House bill No. 59. A bill to legalize the acknowledgment of all deeds, mortgages and other instruments required to be recorded, taken and certified by the clerks of the circuit courts of this State after the reception of the revised statutes of 1852 in their respective counties.

Was taken from the table.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Adams, Allen, Austin, Ayres, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan,

Carnahan, Clapp, Clark, Claypool, Colgrove, Conner of Hamilton, Conduitt, Crawford, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Grose, Harrison, Hayden, Herod, Hoagland, Humphreys, Jefferis, Landiss, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moon, Moore, McDaniel, McDonald of Lake, McFarland, McGinnis, Neff, Price, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Steele, Stillwell, Stone, Van Sandt, Vawter, Wagner, Wallace, Walpole, Ward, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Yater and Mr. Speaker—82.

No person voting in the negative.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 150. A bill to regulate the business of insurance companies not incorporated by the State of Indiana, to punish violations of its provisions, and to repeal all previous enactments in regard to such companies,

Was read a third time.

Mr. McFarland moved to commit the bill to a select committee of one from each congressional district, with instructions to strike out from the enacting clause, and insert the following:

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall not be lawful for any agent or agents of any insurance company, incorporated by any other State than the State of Indiana, directly or indirectly, to take risks, or transact any business of insurance in this State, without first producing a certificate of authority from the Auditor of State; and before obtaining such certificate such agent or agents shall furnish the said auditor with a statement, under oath of the president or secretary of the company for which he or they may act, which statement shall show:

I. The name and locality of the company.

II. The amount of its capital stock.

III. The amount of its capital stock paid up.

IV. The assets of the company, including—

1st. The amount of cash on hand, and in the hand of agents or other persons.

2d. The real estate unincumbered.

3d. The bonds owned by the company, and how they are secured, with the rate of interest thereon.

4th. Debts to the company secured by mortgage.

5th. Debts otherwise secured.

6th. Debts for premiums.

7th. All other securities.

V. The amount of liabilities due or not due to banks or other creditors by the company.

VI. Losses adjusted and due.

VII. Losses adjusted and not due.

VIII. Losses unadjusted.

IX. Losses in suspense waiting for further proof.

X. All other claims against the company.

XI. The greatest amount insured in any one risk.

XII. The greatest amount allowed by the rules of the company to be insured in any one city, town or village.

XIII. The greatest amount allowed to be insured in any one block.

XIV. The act of incorporation of such company; which statement shall be filed in the office of said auditor, together with a written instrument, under the seal of the company, signed by the president and secretary, authorizing such agent to acknowledge service of process for and in behalf of such company, consenting that service of process upon such agent shall be taken and held to be as valid as if served upon the company according to the laws of this State, or any other State, and waiving all claim of error by reason of such service.

And no insurance company, or agent or agents of any insurance company, incorporated by any other State, shall transact any business of insurance in this State, unless such company is possessed of at least one hundred and fifty thousand dollars of actual capital, invested in stocks of at least par value, or in bonds or mortgages of real estate, with double the amount for which the same is mortgaged. And upon the filing of the aforesaid statement and instrument with the Auditor of State, and furnishing him with satisfactory evidence of such investment as aforesaid, it shall be the duty of said auditor to issue a certificate thereof, with authority to transact business of insurance, to the agent or agents applying for the same; but the statements made under oath of the president and secretary, as contemplated in this section, shall not be deemed conclusive; and the auditor shall require such evidence, as to the accuracy of such statements, as he may deem necessary to give full effect and force to the meaning of this section.

SEC. 2. It shall be unlawful for any agent or agents, of any company incorporated by any foreign government other than a State of this union to transact any business of insurance in this State, without procuring a certificate of authority from the Auditor of State, such agent or agents having first filed, under oath, in the office of said auditor, a statement setting forth the charter, or act of incorporation of the company, for which he or they may act, and the matters required to be specified by the first section of this act, and the written authority therein mentioned and furnished evidence to the satisfaction of the Auditor of State, that such



company has invested in stocks of some one or more of the States of this Union, or of the United States, the amount of one hundred thousand dollars, and that such stocks are held by citizens of the United States. And the said agent or agents of said company, filing said statement and furnishing evidences of investment as aforesaid, shall be entitled to a certificate of authority in like manner as is provided for in the first section of this act.

Sec. 3. It shall be the duty of the agent or agents, in either of the foregoing sections mentioned, before taking any risks or transacting any business of insurance in this State, to file in the office the clerk of the circuit court of the county in which he or they may desire to establish an agency for any such insurance company, a copy of the statement required to be filed with the Auditor of State as aforesaid, together with the certificate of said auditor, which shall be carefully preserved for public inspection by said clerk.

Sec. 4. The first statement and evidences required by this act, shall be filed on or before the fifteenth day of July, in the year one thousand eight hundred and fifty-seven, and thereafter renewed annually, in the month of January, in each year; and the Auditor of State, on being satisfied that the capital, securities and investments, remain secure as at first, shall furnish a renewal of certificate, as aforesaid; and the agent or agents obtaining such certificate, shall file the same, together with the statement on which it was obtained or renewed, in the office of the clerk of the circuit court of the county in which such agency is established, and shall cause the same to be published in at least two newspapers at the capital of the State.

Sec. 5. Whenever any loss shall occur of any property insured by any company authorized to take risks under this act, it shall be the duty of the agent by whom the insurance was made, to retain in his possession all moneys belonging to such company which may then be or may thereafter come into his possession, until such loss is adjusted and paid: *Provided*, That if suit shall be commenced by the party insured against such company, the agent may deposit in court double the amount mentioned in the policy, to abide the event of the suit; or if the party insured shall not commence suit within ninety days after the agent shall have given written notice to such party that the loss will not be paid, the agent may thereafter pay over to persons entitled, the moneys of said company. And if any person insured by such company meeting with a loss, shall notify any other agent of such company thereof, it shall be the duty of such agent to retain all moneys belonging to such company, which may then be, or may thereafter come into his possession, as hereinbefore required of the agent with whom the insurance was effected.

Sec. 6. It shall be the duty of the President or Secretary or General Agent of any company authorized by this act to transact the business of insurance in this State, at the time of filing the

semi-annual statement provided for in the fourth section of this act, in the month of January in each year, to file with the Auditor of State, a statement under oath, showing the amount of premiums received upon insurances made within this State by such company during the year next preceding; and to deposit with said Auditor five per cent. of the amount so received, in solvent stocks of at least par value, to be approved by the Auditor, until the sum of twenty-five thousand dollars is deposited as aforesaid, which said sum of twenty-five thousand dollars deposited as aforesaid shall be held by the Auditor as a guarantee fund for the benefit of such persons as may be insured by such company within this State, and the same, nor any part of the sums so deposited, shall not be drawn out by the company depositing as aforesaid, until all claims for losses or premiums on risks unexpired shall be fully paid and discharged. And in case of the insolvency of any such company the sums so deposited as aforesaid shall be applied by the Auditor, pro rata towards the payment of all claims filed in his office, and duly authenticated, against such company, alike as to losses and premiums on risks unexpired on policies issued within this State, within six months after such insolvency may occur, such company being deemed insolvent upon failure to pay undisputed losses insured against within this State for the space of ninety days after a demand of payment, or for ninety days after final judgment. Such company shall be entitled to receive the interest or dividends on such stocks so deposited, from time to time, as the same may become due and payable.

SEC. 7. That copies of all papers required by this act to be deposited in the office of the Auditor of State, certified under the hand of such Auditor to be true and correct copies of such papers, shall be received as evidence in all courts and places in the same manner, and have the same force and effect as the originals would have, if produced.

SEC. 8. No such insurance company shall insert any condition in any policy hereafter issued requiring the insured to give notice forthwith, or within the period of time less than five days of the loss of the insured property, nor shall any condition be inserted in such policy requiring the insured to procure the certificate of the nearest justice of the peace, mayor, judge, clergyman, or other official, or other person, of such loss or the amount of such loss; and any provision or condition contrary to the provisions of this section, or any condition in said policy inserted to avoid the provisions of this section shall be void, and no condition or agreement not to sue for a period less than three years shall be valid.

SEC. 9. For the examination and filing in his office the annual statement contemplated in this act, the auditor shall be entitled to charge and receive from the company presenting such statement, the sum of five dollars; and for every certificate of agency issued by said auditor, he shall be entitled to receive from such agent a fee of one dollar.

SEC. 10. Any policy of insurance, issued or granted in violation of the provisions of this act, shall be void; and the person or persons receiving any policy of insurance from any agent, agents, or company, who have failed or neglected to comply with this act, shall be entitled to recover the premium money paid on such policy or policies, from such agent, agents, or company, in any court of competent jurisdiction.

SEC. 11. Any person or persons violating the provisions of this act, shall, upon conviction thereof in any court of competent jurisdiction, be fined in any sum not exceeding one thousand dollars. Violations of the provisions of this act, may be prosecuted by information filed by the prosecuting attorney of the proper county, or by indictment of the grand jury.

SEC. 12. That all laws or parts of laws, coming within the purview of this act, are hereby repealed.

On motion by Mr. Blake,

The further consideration of the bill and instructions, were postponed until Friday next, and made the special order of the day for 2 o'clock, P. M.

On motion by Mr. Lane,

The vote making House bill No. 99, a bill to prevent the making, issuing, or circulating of fraudulent bank notes, &c., the special order for Wednesday next, at 2 o'clock, P. M.

Was reconsidered.

On motion by Mr. Lane,

The bill was submitted to the committee on banks, with the following instructions:

To amend by inserting in the 5th line of the sixth section, "or individuals or individual companies."

No. 188. A bill to amend the fourth section of an act prescribing the powers and duties of coroners, approved May 27, 1852.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Allen, Austin, Ayres, Ballenger, Batterton, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Conner of Hamilton, Conduitt, Crawford, Crowe, Cullen, Davis of Hendricks, Denby, Dobbins, Douglass, Duncan, Early, Edson, Evans, Gordon, Grose, Harrison, Hayden, Herod, Hoagland, Humphreys, Landiss, Lane, Larue, Lewis, Massey, Marvin, Mercer, Modesitt, Moon, Moore, McDaniel, McDonald of Lake, McFarland, McGinnis, Neff, Price, Reese, Reyman, Robbins,

Schermerhorn, Sherrod, Shuman, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Studabaker, Todd, Van Sandt, Vawter, Wagner, Wallace, Walpole, Ward, Wiley, Williams of Knox, Williams of Lagrange, Yater and Mr. Speaker--76.

*Those who voted in the negative were,*

Messrs. Clapp, Davis of Sullivan, and Stone—3.

So the bill passed.

*Ordered,* That the clerk inform the Senate thereof.

No. 179. A bill to equalize the salaries of the judges of the supreme court.

Was read a third time.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Allen, Austin, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Brown, Bryan, Carnahan, Clapp, Claypool, Colgrove, Conner of Hamilton, Conduitt Crawford, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Evans, Gordon, Grose, Harrison, Hayden, Herod, Hoagland, Humphreys, Jefferis, Landiss, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moon, McDaniel, McDonald of Lake, McFarland, McGinnis, Neff, Price, Reese, Slicer, Sloss, Smith of Delaware, Steele, Stillwell, Stone, Studabaker, Todd, Van Sandt, Vawter, Wagner, Wallace, Ward, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Yater, and Mr. Speaker—73.

*Those who voted in the negative were,*

Messrs. Adams, Branson, Clark, Moore, Sherrod, Shoulders, and Smith of Bartholomew—7.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

Mr. Lane, from the committee on banks, made the following report :

MR. SPEAKER :

The committee on banks, to whom was referred House bill No. 99, a bill to prevent the making, issuing, or circulating of fraudu-

lent bank notes, bills, and other instruments, as money, with special instructions, have had the same under consideration, and instructed me to report the following amendment:

Amend sec. 6, in the 5th line, after the word institution, and insert the words, "or individual, or individual company."

And when so amended, recommend its passage.

Which report was concurred in.

On motion by Mr. Lane,

The further consideration of the bill contained in the foregoing report, was postponed until Wednesday next, at 2 o'clock, P. M., and made the special order of the day for that hour.

No. 35. A bill amending the 1st section of an act providing for the election, and prescribing certain duties of county surveyors, approved June 17th, 1852.

Was read a third time.

Mr. Crawford moved to re-commit the bill to the committee on county and township business, with the following instructions, to-wit:

Strike out so much as relates to establishing an office, and keeping the same in the county seats of the several counties, and appeal in one year.

On motion by Mr. Carnahan,

The bill was laid on the table.

No. 103. A bill requiring the clerks of circuit courts to keep a public record of the moneys paid into their offices, and specifying the duties of former clerks in relation to moneys now in their hands belonging to said office.

Was read a third time.

Mr. Stillwell moved to lay the bill on the table.

The ayes and noes were demanded by Messrs. Lane and Gordon.

*Those who voted in the affirmative were,*

Messrs. Adams, Allen, Ayres, Bethell, Blake, Branson, Brown, Bryan, Carnahan, Clark, Claypool, Crowe, Cullen, Davis, of Sullivan, Denby, Dobbins, Edson, Harrison, Hayden, Herod, Hoagland, Kerr, Larue, Merrifield, Modesitt, Moon, McDaniel, McDonald of Fountain, McDonald of Lake, McGinnis, Reese, Reyman, Robbins, Schermerhorn, Sherrod, Slicer, Sloss, Steele, Stillwell, Studabaker, Todd, Wagner, Wallace, Walpole, Ward, Williams of Knox, Williamson and Mr. Speaker—49.

*Those who voted in the negative were,*

Messrs. Austin, Ballenger, Boyd, Branham, Clapp, Colgrove, Conner of Hamilton, Conduitt, Crawford, Davis of Hendricks, Douglass, Duncan, Early, Evans, Gordon, Grose, Humphreys, Landiss, Lane, Lewis, Massey, Marvin, Mercer, Moore, Neff, Price, Shoulders, Shuman, Smith of Bartholomew, Stone, Van Sandt, Vawter, Wiley, and Yater—35.

So the bill was laid on the table.

No. 22. A bill to provide for a general mineralogical and agricultural survey of the State of Indiana.

Was taken up.

On motion by Mr. Edson,

The further consideration of the bill was postponed until Wednesday next, at 10 o'clock, A. M., and made the special order of the day for that hour.

A message from the Governor by Mr. Osborne, executive messenger:

MR. SPEAKER:

I am directed by His Excellency, to inform the House that he has approved and signed the following bills:

House bill No. 11. An act to amend the second section of an act entitled, "an act concerning the organization of voluntary associations, and repealing former laws in reference thereto," approved February 12th, 1855, so as to authorize the formation of ferry companies.

House bill No. 111. An act to provide for the annexation of incorporated towns to incorporated cities, and for the consolidation or union of incorporated towns and incorporated cities.

House bill No. 165. A bill to amend section 2d of an act entitled, "an act to change the time of holding courts in the eleventh judicial circuit."

On motion by Mr. Colgrove,  
The House adjourned.



TUESDAY MORNING, 9 o'CLOCK, }  
February 17, 1857. }

The House met.

The Clerk proceeded to read the journal, when

On motion by Mr. Humphreys,  
The further reading was dispensed with.

#### PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. McFarland,

A petition signed by David Smith and others, in reference to a toll bridge across the Brandywine creek, in Shelby county, which,

On motion by Mr. McFarland,  
Referred to the committee on corporations.

#### REPORTS FROM COMMITTEES.

Mr. Marvin made the following report, from the committee on elections:

MR. SPEAKER :

The committee to whom was referred House bill No. 92, have had the same under consideration, and a majority have authorized me to report the same back with their opinion that the provision in said bill compelling a voter to reside sixty days in his township or precinct immediately before the election is unconstitutional, and ask to be discharged from its further consideration :

No. 92. A bill to amend sections 5 and 21 of an act entitled, "an act regulating general elections, and prescribing the duties of officers thereto."

The question being on concurring in the report,

The ayes and noes were demanded by Messrs. Neff, and Colgrove.

*Those who voted in the affirmative were.*

Messrs. Abel, Adams, Allen, Ayres, Bethell, Blake, Bowman, Brown, Bryan, Clark, Claypool, Crawford, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Gordon, Harrison, Herod, Hoagland, Humphreys, Kerr, Landiss, Lane,

Larue, Lewis, Massey, Marvin, Modesitt, Moon, McDaniel, McDonald of Lake, McGinnis, McKinney, Reese, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Shuman, Slicer, Smith of Bartholomew, Studabaker, Van Sandt, Wallace, Ward, Williamson, Yater, and Mr. Speaker—54.

*Those who voted in the negative were,*

Messrs. Austin, Ballenger, Batterton, Boyd, Branham, Branson, Carnahan, Clapp, Colgrove, Conner of Hamilton, Conduitt, Davis of Hendricks, Edson, Evans, Grose, Hawkins, Hayden, J. Iffers, Mercer, Merrifield, Moore, McFarland, Neff, Price, Ricketts, Sloss, Smith of Delaware, Steele, Stone, Todd, Trippet, Vawter, Whitcomb, Wiley, and Williams of Lagrange—35.

So the report was concurred in.

On motion by Mr. Humphreys,  
The bill was laid on the table.

Mr. Denby, chairman of the committee on elections, made the following report :

**MR. SPEAKER :**

The committee on elections, to whom was referred the resolution of the House instructing said committee to enquire into the expediency of so amending the law relative to contested elections as to refer the same to the citizens of the county in which said contest is pending, have had the same under consideration, and have instructed me to report that the proposed amendment would be contrary to that portion of the tenth section of article 18 of the constitution, which reads as follows: "Each House, when assembled, shall choose its own officers, (the president of the Senate excepted,) judge the elections, qualifications, and returns of its own members, determine its rules of proceeding, and sit upon its own adjournment;" and the committee ask to be discharged from the further consideration of the subject.

Which report was concurred in.

Mr. Studpbaker, from the committee on the judiciary, made the following report :

**MR. SPEAKER :**

The judiciary committee, to whom was referred a resolution directing an enquiry into the expediency of amending the law so as to allow administrators a certain per centage, have had the same under consideration, and directed me to report the same back with

the opinion of the committee that legislation on the subject would be inexpedient.

Which report was concurred in.

Mr. Conner of Hamilton, from the committee on the judiciary, made the following report:

**MR. SPEAKER :**

The judiciary committee, to whom was referred House bill No. 156, being "a bill for the relief of John M. Sherry," have had the same under consideration, and directed me to report the same back to the House and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Colgrove, from the committee on the judiciary, made the following report:

**MR. SPEAKER :**

The judiciary committee, to whom was referred House bill No. 224, being "a bill for the relief of persons who have borrowed money from the sinking fund of this State," have had the same under consideration, and directed me to report the same back and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Denby, from the committee on the judiciary, made following report:

**MR. SPEAKER :**

The judiciary committee, to whom was referred House bill No. 181, being a bill to amend section 321 of "an act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852, have had the same under consideration and directed me to report the same back and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Blake, from the committee on the judiciary, made the following report:

**MR. SPEAKER :**

The judiciary committee, to whom was referred House bill No. 184, being a bill to amend section 3 of "an act providing for the election of clerks of the circuit courts, and prescribing some of their duties," approved June 7th, 1852, have had the same under consideration, and directed me to report the same back to the House and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Kerr, from the committee on the judiciary, made the following report :

**MR. SPEAKER :**

The judiciary committee, to whom was referred a resolution directing an enquiry into the expediency of making it the duty of some person to act as Register, and to countersign all certificates of stock, issued by the Agent of State, &c., have had the same under consideration, and directed me to report as the opinion of the committee, that it would be inexpedient to legislate on the subject.

Which report was concurred in.

Mr. Colgrove, from the committee on the judiciary, made the following report :

**MR. SPEAKER :**

The judiciary committee, to whom was referred House joint resolution No. 7, being "a joint resolution in regard to the act of Congress graduating the price of public lands," have had the same under consideration, and directed me to report the same back and recommend its indefinite postponement.

Which report was concurred in, and the joint resolution indefinitely postponed.

Mr. Kerr, from the judiciary committee, made the following report :

**MR. SPEAKER :**

The committee on the judiciary, to whom was referred House bill No. 177, entitled a bill to authorize the empannelling of petit jurors in the court of common pleas, and to repeal an act therein named, have had the same under consideration, and directed me to report it back to the House, with the following amendment, to-wit :

SEC. 2. In cases tried before the court of common pleas, when no regular jurors have been empaneled, jurors may be selected and empaneled by the sheriff under the direction of the judge, whenever a jury is demanded, such jury to consist of twelve householders or freeholders of the county, or of such less number as the parties may agree upon, and to be paid in like manner with petit jurors of the circuit court.

And when so amended, to recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Studabaker, from the judiciary committee, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 175, being a bill to amend the second section of article 2 of the constitution of the State of Indiana, have had the same under consideration, and directed me to report the same back, and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Kerr, from the judiciary committee, made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred House bill No. 209, entitled a bill to amend the 6th section of an act, entitled an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State, approved June 21, 1852, was to exempt certain property therein named from taxation, have had the same under consideration, and direct me to report it back to this House, and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Blake, from the judiciary committee, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No.

134, have made the amendment as required by resolution of House, in reference to the right of way, and recommend the passage of the bill as amended.

No. 134. A bill to amend the 1st section of an act, entitled an act providing for the incorporation of bridge companies, approved March 9, 1852, so as to authorize bridge companies to construct embankments across low bottoms and receive tolls.

SEC. 2. In all cases where any person, on whose land any such corporation may desire to construct an embankment as contemplated in this act, shall refuse to relinquish the same, or where a contract between the parties cannot be made for the land, it shall be lawful for such corporation to give notice to some justice of the peace in the county where such difficulty may occur, that such facts do exist; and such justice shall thereupon summon the owner of such land to appear before him on a particular day within ten days thereafter. In case of infants and insane persons, if there be a guardian, resident of the county where the land is situated, he shall have at least ten days notice of the time and place of trial; and when there is no guardian, notice shall be posted up in three of the most public places in the township where the land is situated, at least three weeks prior to the day of trial, and in case of non-residents, the same notice shall be given as is required in case of infants having no guardians, and shall also cause to be summoned three disinterested persons, and cause them to come before him, who, after being legally sworn as jurors, faithfully and impartially to assess the damages, if any, shall proceed to hear the testimony and view the land, and after having taken into consideration the disadvantages the construction of such embankments may be to the same, report thereon in writing, whether such person is entitled to damages or not, and if so, how much; which report shall be filed with such justice, who shall enter judgment thereon, unless for good cause shown, and in case either party show good cause why judgment should not be entered, the justice may grant a review of the same, either with or without costs: *Provided*, That either party may, at their option, appeal the same to the circuit court of the proper county as in other cases, and such court shall appoint viewers as above directed, who may report to that or the succeeding term, in the discretion of the court, and the judgment of the circuit court shall be final between the parties.

SEC. 3. In all cases where the owner is a minor or insane person, or shall reside out of the county where such land may be, such justice shall cause three notices to be stuck, of the time and place of appointing viewers, and if no person appear, he may adjourn the trial for two weeks, and at the end of which time, he shall appoint a guardian *ad litem*, or committee to act for such minor or insane person, as the case may require, in the suit aforesaid;



but such appointment need not be made, if the guardian at law or the committee of the estate appear to defend, and he shall proceed as in other cases; and on judgment rendered, and the corporation complying therewith by the payment of costs and damages against it, the corporation shall be seized of the lands; costs shall be awarded or allowed against either party at the discretion of the jury.

Which report was concurred in.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Austin, Ayres, Ballenger, Bethell, Blake, Bowman, Boyd, Branham, Brown, Bryan, Carnahan, Clapp, Clark, Claypool, Colgrove, Conner of Hamilton, Conduitt, Crawford, Crowe, Cullen. Davis of Hendricks, Denby, Dobbins, Douglass, Duncan, Early, Edson, Gordon, Grose, Hawkins, Hayden, Hoagland, Humphreys, Jefferis, Kerr, Landiss, Lane, Larue, Lewis, Massey, Mercer, Moon, McDaniel, McDonald of Lake, McFarland, McGinnis, Price, Reese, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stone, Studabaker, Todd, Van Sandt, Vawter, Wallace, Ward, Whitcomb, Wiley, Williamson, and Yatter—72.

*Those who voted in the negative were,*

Messrs. Allen, Davis of Sullivan, Herod, Marvin, Moore, McKinney, Neff, Trippet, Williams of Lagrange, and Mr. Speaker—10.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

Mr. Blake, from the committee on the judiciary, made the following report:

**MR. SPEAKER:**

The committee on the judiciary, to whom was referred House bill No. 46, a bill for the improvement of agriculture, and to enable persons owning swamp lands, or overflowed lands, to drain them, have had the same under consideration, and direct me to report the following additional section as an amendment, and that the same is constitutional:

**SEC. 12.** Appeals may be taken by either party to the circuit

or common pleas court of the county, and the cause shall be tried as in other cases.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Smith of Bartholomew, from the committee on education, made the following report :

MR. SPEAKER :

The committee on education, to whom was referred House bill No. 231, entitled a bill supplemental to an act, entitled an act to provide for a general system of common schools, the officers thereof and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof, approved march 5, 1855, have had the same under consideration, and a majority of such committee have directed me to report the same back, and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Shoulders, from the committee on claims, made the following report :

MR. SPEAKER :

The committee on claims, to whom was referred the petition and claim of Theodore Day of Floyd county, for sixty five dollars as compensation for certain moneys expended by him in pursuit and arrest of one Christian Dinkerbecker for horse stealing, have had the same under consideration, and direct me to report the same back to this House, and recommend that provision be made for the payment of said claim in the specific appropriation bill for the present session of the General Assembly.

On motion by Mr. Humphreys,

The report was referred to the committee on ways and means.

Mr. Wiley, from the committee on claims, made the following report:

MR. SPEAKER :

The committee on claims, to whom was referred House bill No. 222, a bill to appropriate the sum of three hundred and fifty four dollars and eighty-five cents, to pay the claim of the city of Evansville against the State of Indiana, for the amount paid by said city on account of arms, ammunition and provisions furnished

the force called out by the Governor, to protect the works and structures of the Wabash and Erie canal, &c., have had the same under consideration, and have directed me to report the same back to the House without amendment, and recommend its passage.

Mr. Duncan moved to refer the bill to the committee on military affairs.

Which was not agreed to.

The question then being, on concurring in the report of the committee.

It was agreed to.

And the bill ordered to be engrossed.

Mr. Moore, from the committee on county and township business, made the following report:

**MR. SPEAKER :**

The committee on county and township business, to whom was referred House bill No. 44, being a bill to regulate the publication of county, township, or any other business requiring publication by county officers, administrators, &c., have had the same under consideration, and directed me to report the same back, and recommend its indefinite postponement.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Douglass, from the committee on county and township business, made the following report:

**MR. SPEAKER :**

The committee on county and township business, to whom was referred House bill No. 135, entitled a bill to amend justice's acts, have had the same under consideration, and directed me to report the same back to the House, and recommend its indefinite postponement.

Which report was concurred in.

Mr. Clapp, from the committee on county and township business, made the following report:

**MR. SPEAKER :**

The committee on county and township business, to whom was referred a resolution directing an enquiry into the expediency of amending sec. 6 of chapter 36 of the Revised Statutes of 1852, so

as to provide that estray property and property adrift, shall be advertised in a paper printed at the State capital, have had the same under consideration, and directed me to report the accompanying bill, and recommend its passage.

No. 256. A bill to amend the 6th section of an act entitled, an act regarding estrays and articles adrift, approved June 16th, 1852.

Which was read a first time and passed to a second reading.

Mr. Clapp, from the committee on county and township business, made the following report:

MR. SPEAKER:

The committee on county and township business, to whom was referred House bill No. 122, being a bill to amend the forty-ninth section of an act entitled, an act to provide for the opening, vacating, and change of highways," approved June 17, 1852, have had the same under consideration, and directed me to report the same back, and recommend its passage.

Which report was concurred in and the bill ordered to be engrossed.

Mr. Massey, from the committee on county and township business, made the following report:

MR. SPEAKER:

The committee on county and township business, to whom was referred a resolution directing an enquiry into the expediency of distributing to township libraries, cheaply bound copies of all printed legislative documents, have had the same under consideration, and directed me to report the same back, with an expression of the opinion of the committee, that no legislation is necessary on the subject.

Which report was concurred in.

Mr. Modesitt, from the committee on county and township business, made the following report:

MR. SPEAKER:

The committee on county and township business, to whom was referred a resolution enquiring into the expediency of so amending the law for the election of supervisors, as to allow no person to vote for supervisor, except such as live in such supervisors' district, have had the same under consideration, and directed me to report the same back, with the opinion of the committee, that legislation on the subject, would be inexpedient.

Which report was concurred in.

Mr. Blake from sinking fund committee, made the following report

**MR. SPEAKER :**

The committee on sinking fund, to whom was referred the report of President of the State Bank of Indiana, in reference to loans granted by sinking fund, refer the same back to the House in accordance with House resolution in relation thereto.

Which report was,

On motion by Mr. Lane,

Laid on the table.

Mr. Grose, from a select committee, made the following report :

**MR. SPEAKER :**

The select committee, to whom was referred House bill No. 227, a bill to amend an act to authorize and limit allowances by courts and boards, and drafts upon county treasurers, approved May 27, 1852, have had the same under consideration, and a majority direct me to report the same back and recommend its passage.

Which report was concurred in and the bill ordered to be engrossed.

Mr. Branson, from a select committee, made the following report :

**MR. SPEAKER :**

The select committee to whom was referred House bill No. 215, a bill to amend sec. 91 of an act entitled an act to establish a bank with branches, approved March 3, 1855, have had the same under consideration and have directed me to report the same back, and recommend its passage.

Which report was concurred in and the bill ordered to be engrossed.

By unanimous consent,

Mr. Larue presented,

A petition signed by D. P. Keen and others, in reference to simplifying and abridging, the rules, practice and pleadings, &c.

Which

On motion,

Referred to the same select committee heretofore appointed on the same subject.

On motion by Mr. Lane,

*Resolved*, That the President of the State Bank of Indiana be directed to communicate to this House, what efforts have been made to remove and divert the funds of the branch of the State Bank at Michigan City, to the Laporte branch of the new State Bank.

Mr. Neff offered the following preamble and resolution:

WHEREAS, by a vote of the House on the subject of concurring in the report of a majority of the committee on elections, in relation to the constitutionality of persons having a right to vote in the township where they may happen to be at the time of the election. Therefore,

*Resolved*, That the committee on elections be requested to cease further investigation of the alledged frauds in the county of Rush.

Mr. Studabaker moved to lay the resolution on the table.

The ayes and noes were demanded by Messrs. Gordon and Colgrove.

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Ayres, Bethell, Blake, Bowman, Branson, Brown, Bryan, Carnahan, Clark, Claypool, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Harrison, Herod, Humphreys, Kerr, Landiss, Lane, Lewis, Massey, Marvin, Modesitt, Moon, McDaniel, McDonald of Fountain, McFarland, McGinnis, McKinney, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Studabaker, Trippet, Wallace, Wiley, Williamson, Yater, and Mr. Speaker—53.

*Those who voted in the negative were,*

Messrs. Adams, Austin, Ballenger, Batterton, Boyd, Clapp, Colgrove, Conduitt, Crawford, Davis of Hendricks, Evans, Gordon, Grose, Hawkins, Hayden, Jefferis, Larue, Mercer, Merrifield, Moore, McDonald of Lake, Neff, Price, Shuman, Sloss, Steele, Stone, Vawter, Ward, Whitcomb, and Williams of Lagrange—31.

So the resolution was laid on the table.

Mr. Carnahan offered the following resolution:

*Resolved*, That the use of the hall of the House of Representatives, be tendered to the American party to hold their Convention this evening, at 2 o'clock.



The question being on its adoption,

The ayes and noes were demanded by Messrs. Moore and Davis of Sullivan.

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Austin, Ayres, Ballenger, Batterton, Bethell, Blake, Boyd, Brown, Bryan, Carnahan, Clapp, Claypool, Colgrove, Crawford, Crowe, Davis of Hendricks, Denby, Dobbins, Early, Edson, Evans, Gordon, Grose, Hawkins, Hayden, Humphreys, Jefferis, Kerr, Lewis, McDaniel, McDonald of Fountain, McDonald of Lake, McFarland, McGinnis, McKinney, Neff, Reese, Reyman, Ricketts, Schermerhorn, Sherrod, Shuman, Slicer, Sloss, Steele, Stone, Todd, Trippet, Van Sandt, Vawter, Wallace, Ward, Whitcomb, Williamson, and Mr. Speaker—57.

*Those who voted in the negative were,*

Messrs. Adams, Bowman, Branson, Clark, Conduitt, Cullen, Davis of Sullivan, Douglass, Duncan, Harrison, Herod, Landiss, Lane, Larue, Massey, Marvin, Mercer, Merrifield, Modesitt, Moor, Moore, Price, Robbins, Shoulders, Smith of Bartholomew, Studebaker, Wiley, Williams of Lagrange, and Yater—29.

So the resolution was agreed to.

Mr. Carnahan offered the following resolution :

*Resolved*, That when this House adjourn, it adjourn to meet tomorrow morning at 9 o'clock.

Mr. Grose moved to amend the resolution as follows :

That when this House adjourns, it adjourn to meet at 7 o'clock this evening.

Which was not agreed to.

The question then recurring on the adoption of the resolution, it was agreed to.

By unanimous consent,

Mr. Gordon introduced the following bill :

No. 257. A bill to amend the first section of an act entitled an act prescribing the duties and fixing the compensation of State Agent, approved June 17, 1852.

Which was read a first time, and passed to a second reading

The Speaker laid before the House the following communication from the Clerk of the Supreme Court:

CLERK'S OFFICE SUPREME COURT, }  
February 17th, 1857. }

Hon. BALLARD SMITH,

*Speaker of the House of Representatives:*

SIR:—In obedience to a resolution of the House adopted on Monday last, enquiring the condition of the docket of the Supreme Court, I have the honor to submit the following:

Whole number of causes on docket 1st day of November term, 1853 .....	773
Number submitted same term .....	152
Number disposed of same term .....	225
Number on docket 1st day of May term, 1854 .....	733
Number submitted same term .....	171
Number disposed of same term .....	168
Number on docket 1st day of November term, 1854 .....	740
Number submitted same term .....	121
Number disposed of same term .....	254
Number on docket 1st day of May term, 1855 .....	684
Number submitted same term .....	156
Number disposed of same term .....	164
Number on docket 1st day of November term, 1855 .....	740
Number submitted same term .....	204
Number disposed of same term .....	225
Number on docket 1st day of May term, 1856 .....	795
Number submitted same term .....	248
Number disposed of same term .....	204
Number on docket 1st day of November term, 1856 .....	831
Number submitted same term .....	170
Number disposed of same term .....	230
There is now on the docket undisposed of .....	685
Of which number, there is unsubmitted .....	178
And submitted .....	607

I am with respect, your ob't serv't,

WM. B. BEACH,  
*Clerk Supreme Court.*

Which,

On motion,

Was referred to the committee on the judiciary.

On motion,

The following message from the Governor was taken up :

*Senators and Representatives :*

I have received from the Secretary of the State of Illinois, a joint resolution, of which the accompanying is a copy, with the request that I communicate the same to both houses of the legislature.

ASHBEL P. WILLARD.

JOINT RESOLUTION.

**WHEREAS**, The State of Illinois, for the purpose of affording water to supply the Illinois and Michigan canal, raised a dam in the Calumet river, in this State, which throws back-water into the State of Indiana, and which was done in accordance with the surveys and plans of the two States. Therefore,

*Resolved, by the House of Representatives*, (the Senate concurring therein,) That the State of Indiana be respectfully requested to legalize the erection of said dam, for the purposes of supplying said canal with water, in accordance with the surveys and plans of the two States.

*Resolved*, That the Secretary of State be requested immediately to send a copy of the foregoing resolution to the Governor of Indiana, with the request that he lay the same before the legislature of that State.

A true copy of a joint resolution this day passed.

CHARLES LEIB,

*Clerk House Representatives.*

UNITED STATES OF AMERICA, }  
STATE OF ILLINOIS. }

I, O. M. Hatch, Secretary of State for the State of Illinois, hereby certify the foregoing to be a true copy of the resolution this day filed in my office.

{ L. S. }

In testimony whereof, I hereunto set my hand and great seal of the State, this 10th day of February, A. D. 1857, done at the city of Springfield in said State.

O. M. HATCH,

*Secretary of State.*

On motion by Mr. McDonald,  
The communication and joint resolution was referred to the committee on the judiciary.

By unanimous consent,  
Mr. Sherrod introduced the following bill :

No. 258. A bill to amend section 6, and repeal sections 34 and 54, of an act passed March 3, 1855, to amend an act to authorize and regulate the business of general banking, approved May 28, 1852.

Which was read a first time, and passed to a second reading.

On motion by Mr. Kerr,

House bill No. 213. A bill to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, &c.

Was taken from the table.

On motion by Mr. Kerr,

The bill was referred to a select committee of 7, consisting of Messrs. Kerr, Larue, Gordon, Denby, Hoagland, Claypool, and Branham.

On motion by Mr. Robbins,  
The House adjourned.

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WEDNESDAY MORNING, 9 o'clock, }  
February 18th, 1857. }

The House met.

The clerk proceeded to read the journal,  
When,

On motion by Mr. Crowe,  
The further reading of the journal was dispensed with.

## REPORTS FROM COMMITTEES.

Mr. Conner of Hamilton, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 154, being an act to refund money paid on sale of land for taxes, with instructions to strike out from the first section, the words "ten per cent. per annum damages," have had the same under consideration, and directed me to report it back to the House, and recommend the indefinite postponement.

Which report was concurred in.

Mr. Conner of Hamilton, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 221, entitled an act to reduce the width of the Michigan road lying between Indianapolis and Logansport, from one hundred feet to sixty feet, have had the same under consideration, and directed me to report the same back, and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Kerr, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred House bill No. 207, entitled a bill to amend the title of an act concerning licenses to vend foreign merchandize, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show and legerdemain, have had the same under consideration, and direct me to report the same back to this House, and recommend its indefinite postponement. It is the opinion of the committee, that no part of any act, which is void by reason of the *subject* thereof not being expressed in the title, can be revived or made operative by merely amending the *title* thereof, without more. But, under the provisions of sections 19 and 21 of the 4th article of the constitution, such void part can only be made law by the re-enactment thereof.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Kerr, from the judiciary committee, made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was recommitted House bill No. 68, entitled a bill to amend the 136 section of the general practice act, approved June 18, 1852, to be amended in pursuance of certain instructions, have had the same under consideration, and direct me to report it back to the House, amended by adding to the first section thereof, after the word "article," the following words, to-wit : 'And in all cases where the clerk issues any such restraining order or injunction, he shall have the authority to approve the bond required to be given by the applicant for such order or injunction"—and thus amended, to recommend its passage.

Mr. Colgrove moved to recommit with instruction to strike out the words, "or the clerk of such circuit court or the court of common pleas, in the vacation of said court." Also, the amendment.

Which was not agreed to.

Mr. Lane moved to recommit the bill with the following instructions :

Amend by requiring that, should the party fail to sustain his injunction or restraining order, the court in rendering judgment, shall add ten per cent. damages on the amount of the judgment or claim said party may have been restrained.

Which was not agreed to.

The report was then concurred in.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Ayres, Batterton, Bethell, Bowman, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Clapp, Crawford, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Gordon, Harrison, Hayden, Herod, Hoagland, Kerr, Landiss, Larue, Marvin, Merrifield, Modesitt, Moore, McDaniel, McDonald of Lake, McFarland, McGinnis, McKinney, Neff, Reese, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Sloss, Smith of Bartholomew, Steele, Stillwell, Stone, Studabaker, Taggart, Trippet, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Lagrange, Williamson, and Mr. Speaker—64.

*Those who voted in the negative were,*

Messrs. Austin, Colgrove, Conduitt, Davis of Hendricks, Evans,



Grose, Jefferis, Lane, Lewis, Mercer, Neal, Shuman, Smith of Delaware, Todd, Van Sandt, and Yater—16.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Blake, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 226, being an act prohibiting persons holding suspended or broken bank bills, from passing the same, and prescribing penalties therefor, have had the same under consideration, and directed me to report the same back, and recommend its indefinite postponement.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Blake, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 218, entitled an act to provide for the docketing of guardianship, the duties of clerks, and fixing the fees therefor, have had the same under consideration, and directed me to report the same back, and recommend its indefinite postponement.

Which report was concurred in, and the bill indefinitely postponed.

Mr. McFarland, chairman of the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred House bill No. 88, a bill for the incorporation and continuance of building, loan fund and saving associations, with certain instructions, beg leave to report the same back, amended in accordance with said instructions, and as amended, recommend its passage.

SEC. 11. Nothing in this act shall prohibit the legislature from altering, changing or repealing from time to time as may be deemed advisable.

SEC. 12. Any stockholder or stockholders formed, or to be formed in accordance with this act, owning one or more shares of stock in any such association, shall have the right to withdraw the

amount of dues paid on such share or shares by giving three months notice in writing to the secretary of such association, and shall be allowed and receive interest on the amount so paid, at the rate of six per cent. per annum.

By unanimous consent,

On motion by Mr. Davis of Sullivan,

The bill was amended as follows:

*First*—Amend the second section, tenth line, after the word estate, insert the words, “not to exceed one hundred thousand dollars.”

*Second*—Amend section four, in the eighth line, after the words stockholders, insert the words, “not to exceed one hundred thousand dollars.”

Amend section six, second line, after the word report, insert the words, “under oath.”

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Austin, Ayres, Bethell, Blake, Boyd, Branham, Brown, Bryan, Carnahan, Clapp, Conner of Hamilton, Crawford, Crowe, Cullen, Davis of Sullivan, Denby, Duncan, Early, Edson, Evans, Gordon, Hawkins, Hayden, Herod, Jefferis, Kerr, Lane, Larrue, Massey, Merrifield, Modesitt, Moon, McDaniel, McDonald of Lake, McFarland, Neal, Neff, Reese, Robbins, Sloss, Smith of Bartholomew, Steele, Stillwell, Stone, Todd, Trippet, Van Sandt, Vawter, Wagner, Ward, Williams of Lagrange, Williamson, and Mr. Speaker—54.

*Those who voted in the negative were,*

Messrs. Adams, Allen, Batterton, Branson, Clark, Colgrove, Conduitt, Davis of Hendricks, Dobbins, Douglass, Grose, Harrison, Humphreys, Hutchings, Landiss, Lewis, Mercer, Moore, McDonald of Fountain, McGinnis, McKinney, Reyman, Sherrod, Shoulders, Slicer, Smith of Delaware, Studabaker, Wallace, Whitcomb, Wiley, Williams of Knox, and Yater—32.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

The hour having arrived, the House proceeded to the

#### SPECIAL ORDER OF THE DAY.

House bill No. 22. A bill to provide for a geological, mineralogical and agricultural survey of the State of Indiana.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Blake, Bryan, Carnahan, Conner of Hamilton, Conduitt, Denby, Dobbins, Douglass, Edson, Gordon, Hawkins, Hayden, Hoagland, Humphreys, Kerr, Larue, Massey, Moon, McDaniel, McDonald of Fountain, McDonald of Lake, Schermerhorn, Smith of Delaware, Steele, Trippet, Wagner, Williams of Knox, Williamson, and Mr. Speaker—27.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Allen, Austin, Batterton, Bowman, Boyd, Branham, Branson, Brown, Clapp, Clark, Claypool, Crawford, Cullen, Davis of Hendricks, Davis of Sullivan, Duncan, Early, Evans, Grose, Harrison, Herod, Hutchings, Lewis, Marvin, Mercer, Merrifield, Modesitt, Moore, McGinnis, McKinney, Neal, Neff, Reese, Reyman, Ricketts, Robbins, Sherrod, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Stillwell, Stone, Studabaker, Taggart, Todd, Van Sandt, Vawter, Ward, Whitcomb, Wiley, Williams of Lagrange, and Yater—56.

So the bill did not pass.

Mr. Ricketts, from the committee on corporations made the following report :

**MR. SPEAKER :**

The committee on corporations, to whom was referred House bill No. 197, "an act to compel owners of town lots to grade and pave sidewalks," have had the same under consideration, and directed me to report that in the opinion of said committee further legislation on that subject is unnecessary, town corporations having already powers enough, and therefore recommend the indefinite postponement of the bill.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Dobbins, from the committee on county and township business, made the following report:

**MR. SPEAKER :**

The committee on county and township business, to whom has been referred sundry bills and resolutions in regard to township business, have had the same under consideration, and a majority of such committee present at a meeting thereof, have directed me to report the accompanying bill and recommend its passage.

No. 259. A bill to reduce the number of township trustees, to abolish the offices of township clerk and township treasurer, to transfer part of the duties of township trustees to the board doing county business, and otherwise change the the manner of doing township business.

Which was read a first time, and passed to a second reading.

Mr. Lane moved to print three hundred copies of the report of the State bank sinking fund.

Which was not agreed to.

On motion by Mr. Hutchings,

*Resolved*, That the committee on county and township business be requested to report back to this House immediately, bill No. 162, regulating township business, and providing for the election of township trustees.

On motion by Mr. Humphreys,

House bill No. 167. A bill apportioning the State for senatorial and representative purposes.

Was taken up, and ordered to be engrossed.

By unanimous consent,

Mr. Larue offered the following resolution :

*Resolved*, That the committee on the judiciary be instructed to report a bill dividing the State into common pleas districts not exceeding twenty-five in number, providing for the election of judges at the next October election, and providing also, that the present judges shall continue in office in the districts as now constituted until the judges in the new districts are elected and qualified.

Mr. Claypool moved to amend by striking out "judiciary" and inserting "select committee."

Which was agreed to.

The resolution was then adopted.

On motion by Mr. Lane,

House bill No. 66. A bill for the investment and safe keeping of the school fund arising from the 114th section of an act establishing a State bank, approved January 28th, 1834.

Was taken up and made the special order of the day on Friday next, at 10 o'clock.

Mr. Sherrod offered the following resolution :

*Resolved*, That the resolution adopted by this House a few days since, directing postage stamps to be furnished to clerks and assistant clerks, doorkeepers and assistant doorkeepers, was intended to include and does include persons employed in those capacities by committees of the House, and that the doorkeeper be instructed to so construe such resolution.

Which was not agreed to.

Mr. Neff moved to take up House bill No. 237.  
Which was not agreed to.

# BILLS INTRODUCED.

By Mr. Blake,

No. 260. A bill to create and establish a board of trust fund commissioners, and define the rights, powers and duties thereof.  
Which was read a first time, and passed to a second reading.

By Mr. Davis of Sullivan,

No. 261. A bill to provide for the increase of bonds of sinking fund commissioners.  
Which was read a first time, and passed to a second reading.

By Mr. Douglass,

No. 262. A bill to repeal an act entitled, "an act to prevent railroad companies from changing their depots, except upon conditions therein named."  
Which was read a first time, and passed to a second reading.

By Mr. Larue,

No. 263. A bill declaring John O'Brien, a brother of Michael O'Brien, deceased, and the children of a deceased sister of Michael O'Brien, deceased, heirs at law of the said Michael O'Brien, deceased, and capable of inheriting his real estate in Indiana.  
Which was read a first time, and passed to a second reading.

By Mr. Larue,

No. 264. A bill to provide for the drainage of the swamp lands donated by the United States to the State of Indiana, remaining unsold and unreclaimed in cases where the swamp land fund of any county is insufficient or unavailable for the drainage of such land.

Which was read a first time, and passed to a second reading.

The Speaker laid before the House the following report of the State Board of Agriculture :

SECRETARY'S OFFICE STATE BOARD OF AGRICULTURE, }  
February 10th, 1857. }

HON. BALLARD SMITH,

*Speaker of the House of Representatives :*

SIR :—In compliance with a resolution of enquiry, adopted by the House of Representatives, I submit, herewith, a statement showing the receipt and expenditures of the State Board of Agriculture for the year 1856.

Under the law of 1855, the Board has annually received \$1,000 from the Treasurer of State. The amount thus received for the year 1856, was devoted to premiums on articles produced by the youth of both sexes, and paid out at the last annual Fair.

The ordinary expenses of the board for the past year, have been paid out of the general funds of the society.

Respectfully submitted,

IGNATIUS BROWN,

*Sec'y Ind. State Board Agriculture.*

*Statement showing the Cash Receipts from all sources, during the year 1856.*

January 1, 1856, from balance on hand Dec. 31, 1855, as per Treasurer's report of 1855, . . . . .	\$322 10
January 10, Treasurer of State per Gov. J. A. Wright, on account of balance due Dec. 31, 1855, as per Treas. report of 1855 . . . . .	200 00
January 14, bills payable, net amount realized upon ac- ceptance of Secretary's draft to order of S. A. Fletch- er, one Oct. 25, 1850, for \$500 00 . . . . .	452 67
March 1, Treasurer of State per Gov. J. A. Wright, amount of annual appropriation . . . . .	1,000 00
March 6, Treas. of State per Gov. J. A. Wright, bal- ance of amount due as per Treasurer's report of 1855 . . . . .	300 00
Oct. 25, sundries at State Fair—	
9,264 badges, at \$1 each . . . . .	9,264 00
16,275 tickets, at 25cts each . . . . .	4,063 75
Carriage tickets, 52 at \$1 each . . . . .	52 00
Gates and feed stalls . . . . .	933 59
	<hr/> 14,318 34
Dec. 31, bills receivable, Amos Scott's note for rent of Fair ground and offices during 1856, to Oct. . . . .	50 00
Dec. 31, from sale of uncurrent money taken at State Fair of 1855 . . . . .	5 00
Dec. 31, sale of mutilated silver cup, cut for essay, under contract with E. J. Baldwin & Co., for silver ware of 1855 . . . . .	10 00
	<hr/>
Total receipts . . . . .	\$16,658 11

*Statement of Expenditures during the year 1856.*

On account of fair ground improvements . . . . .	\$351 87
On account of expense of 1855 . . . . .	288 46
On account of premiums of 1854 . . . . .	2 00
On account of salaries of 1856 . . . . .	650 00



On account of expense of 1855-'56 .....	44 76
On account of expense of 1851-2-3-4 .....	150 60
On account of expense of 1853 .....	6 25
On account of expense of 1856 .....	5,935 62
On account of silver ware .....	4,225 06
On account of premiums of 1855 .....	84 00
On account of premiums of 1856 .....	1,092 00
On account of salaries of 1855 .....	62 50
On account of bills payable, principal and interest of Fletcher's draft .....	500 00
Total cash expenditures .....	<u>\$13,392 12</u>

### *Summary*

Total receipts .....	\$16,658 11
Total expenditures .....	\$13,393 12
Cash on hand .....	3,264 99
	<u><u>\$16,658 11</u></u>

Which,

On motion by Mr. Lane,

Was referred to the committee on agriculture.

The Speaker laid before the House the following report of the Attorney General:

OFFICE OF ATTORNEY GENERAL.  
Indianapolis, February 16, 1857. }

*To the General Assembly of the State of Indiana:*

In the matter of the claim of H. K. Wright and Jacob Barcus, vs.  
The State of Indiana.

The undersigned, Attorney General of the State of Indiana, in pursuance of the provisions of a joint resolution passed by the General Assembly of said State, and approved March 5, 1855, has taken testimony and investigated the claim of the said H. K. Wright and Jacob Barcus, against the State of Indiana, for moneys alleged to be due on contract for the construction of a portion of the Wabash & Erie Canal below Lafayette. Which testimony, together with the conclusions drawn therefrom by the undersigned, are herewith reported for the consideration of your honorable body.

J. E. McDONALD,  
*Attorney General.*

## OPINION OF THE ATTORNEY GENERAL

*In the matter of the claim of H. K. Wright and Jacob Barcus,  
against the State of Indiana.*

The testimony in this case discloses the following state of facts: At the letting of a portion of the Wabash and Erie Canal, which took place in the fall of 1838, the said claimants, Wright & Barcus, became contractors for what was then known and designated as section 62, west of the mouth of Tippecanoe river, and that a contract was duly signed for said section by the said claimants on the one part, and Thomas H. Blake, acting Commissioner, for, and on behalf of the State of Indiana of the other part, on the 11th day of September, 1838. The contract required the said Wright & Barcus to enter immediately upon the execution of the work, and to prosecute it with diligence and to the satisfaction of the engineer in charge of the same, and fully complete it by the 1st of November, 1840; and that, from time to time, during the progress of the work, estimates should be made by the engineer under the direction of the commissioner, of the amount of work done, and that at least half of the amount due on such estimates should be paid by the State to the contractors, within ten days from the time they were so made; and when the work should be fully completed, if done according to contract, the same should be estimated in full, and in ten days from said final estimate, the said contractors should receive full payment for said work, at the prices stipulated in the contract. It is further shown by the testimony, that the claimants immediately commenced the prosecution of said work, and on the 1st of November, 1838, they received an estimate on \$550 of work done, the sum of \$495, being the amount of work done, less 10 per cent. retained, being the usual amount retained on estimates, and that they continued to prosecute their work and draw their estimates regularly, until the 1st of November, 1839, when the State failed to furnish the necessary funds to go on with the work, under the general suspension of our public works. At that time the claimants had, by the engineer's register, performed work to the amount of \$6,555, and had received on estimates, the sum of \$5,900. There was two other estimates paid in par funds, one in March, 1840, and the other in January, 1841, which, from the engineer's register, appears to be for work done during the suspension, and for back per centage retained; which, with former estimates, amounted to the sum of \$9,445 14. The estimates of March, 1840, and January, 1841, appears to have been made under the provisions of an act passed on the 15th day of February, 1840, authorizing payment of the 10 per cent. retained; the act above referred to, provided for the assessment and payment of damages to such contractors as might choose to relinquish their contracts; but the claimants, as appears from the testimony of Nelson, the engineer, and Boddy, a commissioner,

under the act to assess damages, retained their contract, and declined an assessment of their damages, as they had a right to do under the law, as it contained an express provision exempting contractors on the Wabash and Erie Canal from the operation of the act; at least, so far as the relinquishment was concerned. (See General Acts of 1840, pages 17 and 18.) It also appears from the testimony of said Bodly, that the claimants remained on their contract, and had shanties, tools, &c., for the prosecution of the work during the time that intervened from November, 1839, until May, 1842, when the work on the line was resumed, and that during that period, and after the letting of May, 1842, according to the testimony of Nelson, the engineer, Barcus continued "to work on the contract, and prosecuted the work until it was completed, to the entire satisfaction of the officers of the State." That portion of the Canal between Lafayette and the mouth of Coal Creek, which had not been let in 1838 and 1839, was let in May, 1842, under the provisions of the act of 1841, for the extension of the Wabash and Erie Canal; the work embraced in the contract of the claimants was not included in the letting, but was placed upon the engineer's books under the original contract, and numbered 59, and the work performed by the claimants was regularly estimated and paid in the currency provided by the act of 1841 for the extension of the Canal, to-wit: Canal land scrip. The first estimate made after the State had resumed the prosecution of the Canal, under the letting of May, 1842, appears by the engineer's register to have been made on the 19th day of May 1842, which amounted to the sum of \$7,826 86. As the letting took place on the — day of May, 1842, the estimate of the 19th of May, 1842, must have been for work done by the claimants between the time of the estimate of January 14, 1841, and the resumption of the prosecution of the work on the Canal by the State in May, 1842; from which it appears the claimants had done work on the contract up to the letting of 1842, in all, to the sum of \$17,272, of which sum, \$9,445 14 had been paid in par funds, and \$7,826 86 in Canal land scrip. The balance of the estimates, down to the close of the work, when the contract was finished, Aug. 25, 1843, were all paid in Canal land scrip: which, with the estimate of the 19th of May, 1842, amounted in all, to the sum of \$28,392 92. These payments were received and receipted for by the claimants or their agents, and, according to the testimony of James Blair, acting commissioner at that time, without objection; the last payment was made to one Rowles, whom Blair understood was authorized to receive it; but the commissioner had no conversation with Barcus after the payment, to know if the final receipt was given with his sanction, and from Nelson's testimony, it appears that Mr Barcus frequently expressed dissatisfaction as to the kind of funds in which he was paid. Rowles testifies that he had no authority to give a final receipt, so as to release the State from her liability on the contract. It further appears that the canal land

scrip depreciated, until the average value, during the period it was received by the claimant, was about fifty cents to the dollar.

The contractors, Wright and Barcus, claim that they are equitably entitled to receive from the State the difference between the actual value of \$28,392 92, of canal land scrip paid to them as above, and par funds to which they were entitled under their contract with the State, which they had a right to demand. The question submitted for investigation is, are they legally or equitably so entitled? The conclusion to which I have arrived is, that the claimants are entitled to relief; and that if the claim was against individuals, a court would be bound to render judgment for them on the facts above stated, for the following reasons: The State has recognized her liability in cases similar to this; as in the act for the relief of Alexander McClelland, approved January 13, 1845, found in the local laws of 1844 and '45, page 124. The case of McClelland is almost identical with that of the claimants in this case; his contract was let at the same time, and was for section 59 on the same line of work, and prosecuted under the same circumstances, and finished really one year after the completion of the work of the claimants; and yet the State compensated McClelland by payment in canal land scrip, issued for the use of the Wabash and Erie canal, east of Tippecanoe river; a fund that was par, or nearly so, in lieu of the canal land scrip issued for the use of the canal west of Tippecanoe river—the funds paid to the claimants, and which, from the testimony, was shown not to be worth more than fifty cents to the dollar.

The State recognized her liability in the case of E. L. Beard and Jesse Beard, for work done on section 5, on the same line of canal, under circumstances far less favorable to the claimants, than in the case under consideration, and in fact, over the decision of the Supreme court pronounced on the facts.

But the opinion of the Supreme Court, in the case of the Beards against the State, while it gives strong and cogent reasons against the claim, fully sustains the equitable right of the claimants to relief in this case; and to that opinion I refer the legislature, as embracing the legal grounds for the conclusions arrived at by the undersigned. (See the case on page 460; vol. 1, Carter's Ind-Reports.)

The grounds upon which the Supreme Court denied relief to the Beards, in the case above cited, may be stated as follows:

*First*—The evidence showed that Rener, the original contractor, had not commenced work on his contract until after the State had suspended operations on the line of the canal.

*Second*—That it was not assigned to the Beards until after the suspension.

*Third*—That the assignment was not ratified until after the State had passed the act of 1811, providing for the prosecution of the canal by the issue of canal land scrip, on the lands ap-

propriated for the completion of the canal, west of Tippecanoe river.

*Fourth*—That the Beards did not, in fact, begin the prosecution of the work until the summer of 1842, after the letting under the act of 1841.

From these facts, the court decided, that when the contract was assigned to the Beards, and at the time they commenced working upon the same, it has become a forfeited contract. In the language of the Supreme Court, "it was a dead letter by the default, as to the performance of the parties, so far as it could give the Beards any right against the State for work alleged to have been subsequently performed under it; and consequently, in subsequently performing the work, they would be bound by the law authorizing its prosecution, and that law provided for the payment of scrip and nothing else." But in the case under consideration, the work had been commenced, and prosecuted pursuant to the contract, and about one-half of it completed before the resumption of the work by the State under the act of 1841. The contractors had tools, shanties, and all the necessary implements for carrying it forward, and it was through the failure of the State alone, in not furnishing the funds, that the work was not completed long before the act was passed, authorizing the issue of scrip, in which they were finally paid. Their contract was for par funds, and they were paid in funds, which, at the time received, was worth but fifty cents to the dollar. All these things considered, in connection with the principles laid down by the Supreme Court in the case of the Beards, establish, in my opinion, a just claim for the difference between par funds, and the actual value of the funds received.

The amount of scrip paid, as shown by the engineer's register was \$28,392 92; its value in par funds at fifty cents to the dollar, \$14,196 46. This would be the amount due on the 25th of August, 1843.

If the legislature should concur in the conclusions arrived at by the undersigned, it would be for that body to determine what sum in addition to this, by way of interest, should be added to compensate the claimants for the delay in adjusting their demand. As between individuals, the measure of damages would be the sum above stated, and interest to the present time.

All of which is respectfully submitted.

J. E. McDONALD,

*Attorney General.*

**NOTE.**—The same notice of the time and place of hearing the testimony was given in this case as in the case of the claim of Moorehead, Hall & Co., with the additional notice of the taking of Rowles' deposition in Iowa.

J. E. McDONALD,

*Attorney General.*



## COMPLAINT OF CLAIMANT.

*State of Indiana :*

Jacob Barcus complains of the State of Indiana, and says, that on the eleventh day of September, A. D. eighteen hundred and thirty eight, he, with one H. K. Wright, contracted with the State of Indiana, through Thomas H. Blake, acting commissioner for the construction of section sixty-two of the Wabash canal, for the sum of thirty-seven thousand eight hundred and forty-eight dollars and sixteen cents, (\$37,848 16.) a copy of which contract is herewith filed marked (A).

The said Barcus further avers, that by the assignment of the said H. K. Wright he became the sole contractor for said section sixty-two, a copy of which assignment is also filed herewith, and marked (B); and the said Barcus further avers, that in compliance with said contract, he completed and finished said section sixty-two, to the acceptance of the engineer of said State, and that he has received in payment therefor the sum of nine thousand four hundred and forty-five dollars and fourteen cents, in money; for the residue he received, in Wabash and Erie canal land scrip, twenty-eight thousand three hundred and ninety-two dollars and ninety-two cents—of the value of eleven thousand three hundred and fifty-seven dollars and sixteen cents—leaving due at the completion of said work, August 35, 1843, the sum of seventeen thousand and thirty-five dollars and seventy-two cents, which sum remains unpaid; wherefore he claims, for principal unpaid and interest thereon, for thirteen years and four months, the sum of thirty thousand six hundred and sixty-three dollars and forty-eight cents.

VOORHEES & RISTINE,

*Attorneys for Claimant.*

December 27, 1856.

## CONTRACT OF PARTIES.

[A]

This agreement, made and concluded this eleventh day of September, in the year 1838, between H. K. Wright and Jacob Barcus of the State of Indiana, party of the first part, and the Board of Internal Improvement of the State of Indiana, T. H. Blake acting commission, for and on behalf of said State, of the second



part, witnesseth, That the said party of the first part contracts and agrees to construct, in a good, substantial, and workman-like manner, all that part of the line of the Wabash Canal, which included in section No. (62) sixty-two, reference being herein had to the location and map of said line made by Wm. J. Ball, Engineer, agreeably to the following plan, that is to say: First in all places where the natural surface of the earth is above the bottom of the canal, and where the line requires excavation, all trees, saplings, bushes stumps and roots shall be grubbed and dug up at least sixty ——— feet wide; that is ——— on the towing-path side of the centre, and ——— wide on the opposite side of the centre of the canal, and, together with all logs, brush and wood of every description, shall be removed at least twenty feet beyond the outward line of said grubbing on each side; and on the space of twenty feet on each side of said grubbing, all trees, saplings, bushes, and stumps shall be cut down close to the ground, so that no part of any of them shall be left more than one foot in height above the natural surface of the earth, and shall also, together with all logs, brush and wood of every kind, be removed entirely from said space. And the trees, saplings, and bushes shall also be cut down fifteen feet wide on each side of said space so to be cleared, and also all trees which in falling will be liable to break or injure the banks of the canal, and wherever the situation of the line may require, the grubbing, low chopping, and clearing shall be extended in breadth, so far that no uncleared land may be occupied by the embankment or excavation. And no part of the trees, saplings, brush, stumps, wood, or rubbish of any kind, shall be felled, laid, or deposited on either side of the sections adjoining this contract. Second, the canal and banks shall be so constructed and formed by excavation or embankment, as either or both may be necessary, in order to bring the same to the proper level, as designated by the engineers or either of them, in the employment of said commissioners; so that the water may in all places, be at least forty feet wide in the canal at the surface, twenty-six feet wide at the bottom, and four feet deep. Each of the banks shall be at least two feet perpendicular measurement, above the top water line; and such a slope shall be preserved on the inner side of the banks, both above and below the top water line, that every foot perpendicular rise in said banks shall give a horizontal base of one foot nine inches. The towing path shall be at least ten feet wide at its surface, and shall be raised to such a height above the top water line as may be designated by the engineer; and wherever a difference in the elevation of the towing path shall occur, the ascent or descent shall be such as may be directed by the engineer. The towing path shall be smooth and even, shall be composed of the best materials which the adjoining excavation will furnish, and shall be so constructed that the side next the canal will be six inches higher than the opposite side, at the surface, with an uniform and regular slope, so that the water may run

off from said path. In all cases where the materials excavated shall raise a spoil bank on either side of the canal, above the exterior surface of the canal banks, it shall be placed so far from the edge of the canal as to give room for a ditch to be made eight feet wide in the bottom, and two feet deep, between said spoil bank and the towing path, or bank opposite, as the case may be; and sluices or passages for the water shall either be left or cut through said spoil banks as often as the engineer having charge of the work may direct, so that the water may drain off freely from the banks in an opposite direction from the canal. The bank opposite the towing-path shall in no place be less than six feet wide at the surface, and shall be smooth and even, and shall be four inches lower at the back than on the face of the bank; and neither of the banks shall have a slope of lesser base in proportion to its height on the outer than on the inner side, except when there is a redundancy of stuff increasing the width of the bank beyond the requisition aforesaid. All loose and porous materials, and those which are perishable or permeable to water, shall occupy the outer extremities of the banks; and for a distance of at least ten feet, measured outwardly from the extremity of the top water line on each side of the bank, shall be composed, both above and below the top water line, of the most pure, solid, compact, and water-tight earth which the adjoining excavation can supply; and no vegetable mould, muck, leaves, roots, grass, weeds, herbage, logs, sticks, brush, or any other substance of a porous or perishable nature, shall be left, laid, or in any way admitted into the said space of ten feet last described, and no wood of any description shall be admitted into any part of the banks. Third, in all cases of embankment, and where the bottom line of the canal is as much as two feet above the surface of the earth, all the trees, bushes, saplings, and stumps, on the space occupied by the canal and its banks, shall be cut close to the ground, and together with all logs, brush, and wood of every description, shall be removed from a space of at least forty-five feet wide on each side of the centre of the canal; and from a strip fifteen feet wide under each bank, to be so situated that the outer side of said strip shall be perpendicularly under the outer extremity of the banks, all the trees, bushes, stumps, and roots shall be thoroughly grubbed, and, together with all the logs, brush, roots, grass, herbage, vegetable and porous earth, shall be removed entirely without said bank, so that the banks may unite securely with the solid earth. And in all cases where the natural surface of the earth is below the surface of the water in the canal a muck or puddle ditch shall be dug under the centre of each bank, of the depth and width which may be directed, in order to guard effectually against leakage.

And the said party of the first part further covenants and agrees to build, found, and erect, in a good, substantial, and workmanlike manner, lock No. —, conformably to the plan and specification

for the same, exhibited at the time of receiving proposals for constructing the work included in this contract.

And the said party of the first part, further covenants and agrees to erect and build, in a good, substantial, and workmanlike manner, all and any such aqueducts, culvert or culverts, bridges, or other mechanical structures, in such place or places, on said section, No. 62, and of such materials, form, dimensions, and plan, as the acting commissioner, the principal engineer, or any other engineer in the employ of the acting commissioner, may direct.

And it is mutually agreed, that all the works on said section, or appertaining thereto, shall, during their progress, at all times be subject to the examination and careful inspection of the acting commissioner, or any engineer, or agent of the board, employed for that purpose. And the party of the first part shall conform to such rules as to the manner of doing any and of all the various kinds of work necessary for the construction of a canal on said section, works or devices connected therewith, as may, from time to time, be given or prescribed by the acting commissioner, or any engineer having charge of that part of the line; and the said party of the first part further agrees, at all times, to conform to any alteration or deviation from the present canal line, or level, and to any alteration in the plan, form, or manner of constructing the canal, or any of the works or devices connected therewith, or appertaining thereto, which may be prescribed or directed by the commissioner or any engineer having charge of the work. And it is further agreed that the works specified in this contract, or contemplated thereby, shall be fully completed by the party of the first part, by the first day of November, 1840.

And to prevent all disputes and misunderstandings between the parties it is mutually agreed that Wm. J. Bali, or some other competent engineer to be so selected by said board or the acting commissioner on this part of the line, shall be inspector of said works, and shall decide whether they have been performed agreeably to the requisitions of this agreement and the instructions given as aforesaid by the commissioner or engineer. And it is further agreed, that if, in the opinion of said inspector, the party of the first part shall refuse or neglect to prosecute the work specified in this agreement in such a manner as to give reasonable assurances of its full completion by the time specified therefor, or shall neglect or refuse to conform to such rules and instructions as may be given, in relation to the manner of doing the work, or to such alteration in the line, level, or plan of constructing the canal, as may afterwards be made agreeably to the stipulations of this agreement, or shall perform or suffer to be performed, any part of the work in an unfaithful and unworkmanlike manner, the said inspector shall, in either case, have power to determine that this contract is abandoned and forfeited by the party of the first part, and such a determination shall absolve the second party from every

obligation imposed on them by this agreement; and the said commissioner may immediately thereafter proceed to dispose of the said section in the same manner as if this contract never existed. And it is further agreed, that whenever this contract, in the opinion of the inspector aforesaid, shall have been completely performed, in every respect, by said party of the first part (provided the same shall be done by the time specified,) the said inspector shall certify the same in writing under his hand, together with his estimate of amount of the various kinds of work herein specified, which shall have been done under this contract, which estimates shall be final between the parties; and thereupon the said party of the second part hereby covenants and agrees to pay, within ten days after notice of said certificates and estimates, to the said party of the first part, the sum which, according to this contract, shall be due, agreeably to said estimates of the engineer, at the following rates of prices, to wit:

For the grubbing and clearing, per chain of four poles in length (\$5) five dollars. For earth excavation, estimating all earth necessarily excavated between and under the banks, including loose pieces of rock or stones of less than one-fourth of a cubic foot, (which are to be estimated as earth excavation) per cubic yard (21 cents,) twenty-one cents. For excavation of loose or detached pieces of rock or stones, (those only to be estimated under the item which are over one-fourth of a cubic foot each.) per cubic yard                      cents. For excavation of solid rock which may occur in this contract, per cubic yard                      cents. For each cubic yard of full embankment, (to be measured in the bank,)                      cents. For each cubic yard of single embankment, (to be measure in the bank.)                      cents: *Provided*, That when any embankment is or can be formed, in whole or in part, from the earth necessarily excavated in the construction of the adjoining parts of the canal, nothing shall be allowed for such embankment, or such part thereof as is or can be so formed, unless the earth to form the same shall be necessarily removed over one hundred feet, measuring in the direction of the center line. For excavation of lock pit, per cubic yard                      cents. For excavation of aqueduct or culvert, per cubic yard                      cents. For puddling around lock, aqueduct, culvert pit, per cubic yard                      cents. For gravel in lock cribs, or in aqueduct or dam abutments, per cubic yard                      cents. For embankment around lock, per cubic yard                      cents. For square timber in lock cribs, per cubic foot                      cents. For square timber in aqueduct or culvert, per cubic foot                      cents. For timber in foundation of lock, per cubic foot                      cents. For round ties in abutments and lock cribs, per cubic foot                      cents. For pavement of stone about lock, aqueduct, or culvert, per cubic yard                      cents. For protection of loose stone on canal banks, per cubic yard                      cents. For the bridge, framed, raised and floored                      dollars. For lock gates and miter sills, complete, with all necessary fixtures,                      dollars. For masonry in cut stone lock, per cubic foot

cents. For masonry in culverts or dam abutments per cubic yard  
 cents. For masonry in aqueduct abutment and piers, per  
 cubic yard cents. For timber in aqueduct trunks, per cubic  
 foot cents. For upright and cap timbers of combined or dry  
 wall lock, per cubic foot cents. For three inch plank in lock  
 foundation, per square foot cents. For two inch oak plank  
 in lock foundations, or in aqueduct trunks, per square foot  
 cents. For two inch oak plank used in facing lock walls, per square  
 foot cents. For one inch boards used in facing lock walls,  
 per square foot cents. For iron used in lock facing, or in  
 aqueduct trunks or dams, including spikes, per lb. cents. For  
 bridge embankment, per cubic yard cents.

And whenever the grubbing, clearing, or excavation of any of the different kinds herein specified, embankment, or any other work to be done under this contract, shall be increased or diminished by conforming to any alteration of the line, level, or plan of the work now made, agreeably to the direction of the acting commissioner, or any engineer having charge of the work, as herein before agreed, the quantity or amount of such increase or diminution of any or all the kinds of work herein specified, shall be estimated by said inspector agreeably to the foregoing rules, and the sum to be paid to the contractor shall be increased or diminished accordingly, agreeably to the rates and prices herein before specified.

It is further expressly agreed, that the party of the first part shall not sub-contract any portion of the work without the consent of the acting commissioner, but shall constantly superintend in person the work herein specified, and all parts thereof (except so far as sickness or other unavoidable accident may prevent,) and a failure to comply with this requisition shall be considered and adjudged a forfeiture and abandonment of this contract on the part of the said party.

It is further mutually agreed, that at any time when in the opinion of the inspector aforesaid, the party of the first part shall neglect or refuse to prosecute the work specified in this agreement, or any part thereof, so as to give satisfactory assurance that it will be completed by the time stipulated herein, that the acting commissioner shall be authorized to appoint an agent to superintend said work, or such part thereof as he may deem proper. The agent so appointed shall be authorized to employ hands and to purchase the necessary materials for carrying on and completing all or any part of the work to be performed under this agreement; and his receipt for money paid him by the commissioner shall be a good and sufficient voucher against the party of the first part, and all money so paid to the agent shall be charged to, and on a final settlement of the account, deducted from the sum which under this agreement may be payable to the party of the first part.

And it is further agreed by the contracting parties, that during



the progress of the construction of the work herein contemplated, estimates shall be made by the engineer having charge of the work as often as the acting commissioner may deem necessary for the successful prosecution of the work ; and the engineer shall give his certificate of the quantity or amount of labor which the party of the first part shall have performed necessarily under the stipulations and conditions of this agreement, and the party of the second part hereby agrees to pay, within ten days after notice of the estimate and certificate of the engineer shall have been made, to the party of the first part, one half of the amount or sum, which, according to his contract, shall at the time be due, according to the estimate of the engineer, for the labor which shall have been performed.

It is also further agreed and understood by and between the parties hereunto, that the party of the first part is held liable for the payment of the wages of all laborers who may be employed on the jobs herein contracted, or any works connected therewith, whether they be employed by the party of the first part, or by any sub-contractor or agent under the said party ; and when, in the opinion of the acting commissioner, it may be necessary to secure the laborers employed as aforesaid their wages, and he may think justice requires it, he is hereby authorized to pay to the said laborers the amounts of their claims, and their receipts for the payment so made shall be good against the party of the first part.

It is further understood, that all the stone quarried in excavating the canal, shall belong to the State of Indiana, unless used in constructing some of the work herein contemplated.

It is further understood and expected, that the party of the first part will use all reasonable exertions to discourage and prevent the use of spirituous liquor by the laborers engaged on this contract.

And it is further agreed, that the work embraced in this contract shall be commenced on or before the first day of October, 1838.

In testimony whereof, we, the parties to this agreement, hereunto set our hands and seals, the day and year first above written.

(SIGNED TRIPPLICATES)

H. K. WRIGHT, [L. S.]

JACOB BARCUS, [L. S.]

THOS. H. BLAKE, [L. S.]

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### TESTIMONY.

Covington, December 30, 1856.

Being requested by the Hon. J. E. McDonald, Attorney General, to make such statement of the facts in relation to a contract be-



tween Jacob Barcus, of the one part, and Thomas H. Blake, on behalf of the board of internal improvements, of the other part, as came within my knowledge, and such other matters having a bearing on a claim for further remuneration, now being prosecuted by said Barcus, arising out of said contract, I submit the following statement :

At a letting held at Covington in 1838, there were four sections let : Section 159 to A. McClelland, section 160 to M. McCall, section 161 to H. Nichols, and section 162 to Jacob Barcus. I was appointed engineer of this division in January, 1839. The work on these sections was prosecuted diligently by all the contractors until the failure of the State to procure funds. At the first settlement with contractors, in 1841, under a law then just passed for the relief of contractors, providing for the payment to them of the retained ten per cent., and an assessed amount for damages, on condition of relinquishing their contract, Mr. Nichols, the only one who was not a resident citizen, relinquished, but Mr. McClelland and Mr. McCall, (for whose claims of a like nature with Mr. Barcus the legislature has already passed special relief laws,) and Mr. Barcus declined relinquishing, on the ground of the belief then universally entertained in that section of the country that other means would be eventually obtained for prosecuting the canal west of Lafayette. Acting under this belief, Mr. Barcus continued, without intermission, to work the section until it was completed, to the entire satisfaction of the officers of the State.

At the letting in May, 1842, of the residue of the canal, from Lafayette to Coal Creek, under a law for prosecuting the canal by an issue of canal land scrip, in arranging the numbering of the sections continuously, from Lafayette down, the number of Mr. Barcus' section was changed from 162 to 59, and all payments after that time were made in canal land scrip, at its face. This scrip became very much depreciated from its first issue, and although it subjected Mr. Barcus to great loss to be compelled to receive it in lieu of par funds, to which he was entitled under his contract, still there was no choice left him but to receive it, in order that he might struggle through with his contract or abandon it entirely.

I can recollect of Mr. Barcus, during his prosecution of the work, after May, 1842, expressing his dissatisfaction at the kind of funds which he was obliged to receive, and speaking of the great difficulty of prosecuting the work under the circumstances. The total amount of work on the section, estimated at contract prices, was \$37,838 06.

Of this amount there was paid by the Board of Internal Improvements .....	\$7,190 46
By the Treasurer of State, under a special law passed January 5, 1841. ....	2,254 68
	<hr/>

Total amount paid in par funds..... \$9,445 14

Total paid in canal land scrip.....\$28,392 92

JOSEPH H. NELSON,  
*Formerly Engineer of the W. & E. Canal.*

Subscribed and sworn to before me, this 30th day of December,  
1856.

J. C. HOLE, *Justice.* [SEAL.]

### DEPOSITION OF JAMES BLAIR.

*Taken at Perryville, December 30th, 1856, at the residence of  
James Blair.*

The said James Blair, a competent witness, being produced on behalf of said claimants, and duly sworn by George S. Hansicker, a justice of the peace in and for the county of Vermillion and State of Indiana, testified as follows:

I am acquainted with the handwriting of Thomas H. Blake. The signature of the said Blake to the contract marked (A), and now to me shown, is in his handwriting. I was commissioner of the Wabash & Erie Canal in the year 1842, and the first payment made on section 59, under my administration, was made on the 19th day of May, 1842. Section 59, I believe, is the same section that was previously numbered 62, and is embraced in the contract marked (A). I was legislated out of office in December, 1843, but continued to act until my successor was appointed. During the time I was acting as commissioner, there was paid on said section 59, in all, the sum of \$28,392 92, as follows:

May 19, 1842 .....	\$7,045 00
August 1, 1842 .....	2,295 00
September 26, 1842.....	1,005 00
December 5, 1842 .....	1,620 00
February 15, 1843.....	1,045 00
May 13, 1843.....	40 5 00
July 29, 1843.....	4,860 00
August 25, 1843.....	6,527 92

Making a total as above stated. These payments were all made in canal land scrip, issued on the grant of lands for the construction of the Wabash and Erie Canal west of the Tippecanoe river. I think these payments were made to David Rowles; and on the last payment being made I took a receipt as for final settlement,

and the duplicate receipts were filed in the Auditor's office for the State of Indiana. We had then taken the section off the hands of the contractor, and I considered it a final payment. These receipts were taken from Rowles and the scrip paid to him; but Barcus said it was all right. I had no conversation with Barcus after the last payment was made. There never was any objection made to taking the scrip, dollar for dollar, and signing receipts for it. There was a great difference in the cost of constructing work of this kind in the years 1838-9 and 1842-3; a cost considerably more in the former years than in the latter, say about 33 per cent.

JAMES BLAIR.

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COVINGTON, Ind., Dec. 31, 1846.

At the clerk's office of Fountain county, Robert Hetfield, a competent witness, being duly sworn by Elias C. Wilcox, Esq., clerk of Fountain county, and being examined on behalf of the claimant, testified as follows:

I was selling goods during the spring and fore part of the summer of 1842, in Covington, Fountain county, and was engaged in packing pork at said place the fall and winter of 1842-3, and was handling a good deal of canal land scrip. In my dealings and in collecting debts during the summer of 1842, when the scrip first issued, I took it for goods and on debts, from slow men, at its face; but, in money transactions, it was not worth more than 80 cents to the dollar. It depreciated after the land sales in the fall of 1842, and its general range during that fall and the winter following was from 50 to 60 cents to the dollar. In the summer of 1843 it went down still lower, and I should say the average value of scrip from the 15th day of May, 1842, to the 25th day of August, 1843, was about 50 cents to the dollar.

R. HETFIELD.

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John Bodley, a competent witness, being duly sworn by said Elias Wilcox, clerk as aforesaid, and examined on behalf of said claimant, testified as follows:

During the period from May 19, 1842, to August 25, 1843, I was engaged in general trading in Fountain county, and was also sheriff of the county. I was connected with canaling operations. When the scrip first issued in the spring or summer of 1842, it

passed, among the friends of the canal, at par—it passed in ordinary business transactions; but in cash transactions it was not worth more than 80 cents to the dollar. After the land sales, which I think took place in October, 1842, the scrip depreciated quite rapidly. It ranged at 50 to 60 cents to the dollar, and even less, and, during the summer of 1843, it went as low as 40 cents to the dollar; and I should think that an average of its value from May 19, 1842, to August 25, 1843, would be about 50 cents to the dollar. I have examined the contract made by Wright & Barcus, on the one part, and Thomas H. Blake, commissioner, on behalf of the State of Indiana, of the other part, and referred to in the deposition of James Blair. I was well acquainted with the character of the work embraced in that contract—have been repeatedly on it and examined it during its progress. I was also engaged quite extensively in doing work of that kind during its progress, and have a knowledge of the cost of performing such a work. If the work embraced in that contract had been paid for in par funds, at the contract price, the contractor would have realized a profit of from 30 to 40 per cent. on the whole amount of work embraced in the contract. Labor and provisions were higher during the years of 1838–39 than in the years 1842–43, and work of this kind I think could have been done, for cash, at some 10 per cent. less during the latter than in the former years. I think the price of labor in the years 1838–9 was about 70 or 75 cents per day, and in the years 1842–43, we commenced by paying 62 cents per day and boarding, and went from that up to \$1.25 in scrip. There was no other kind of money paid out during these latter years that I know of. I was one of the commissioners to assess the damages on the contract of Nichols, under the act of the General Assembly of the State of Indiana, entitled “An act for the immediate relief of contractors and others engaged on public works,” passed in February, 1840. The contract of Nichols joined that of Wright & Barcus on the North, and while I was engaged in making the assesment on the Nichols contract, I had good opportunities of knowing the condition of the Wright & Barcus contract, and the amount of money invested in shanties and implements. From my knowledge of other assessments, and from my knowledge of the amount and value of the implements and shanties owned by Wright & Barcus on their work, I think that their loss, by the suspension of the work, independent of the loss of profits on the work must have been in the neighborhood of \$2,000. I frequently saw them at work on the contract of Wright & Barcus before the suspension of the work. The number of the hands I should think was 40, on an average. Most of the work was done with scrapers. The scrapers furnished by Wright & Barcus. I think there were about 25 scrapers. I think they had some forty or fifty wheelbarrows, and at least from ten to fifteen shanties on the work. I don’t know by whom the shanties were built. They also had some teams of their own—at least three teams—including wagons and

horses; also shovels and picks sufficient to carry on a work of that kind; and were as well or better stocked, with all the implements to carry it on, than jobs of that kind usually are. I don't know to whom the shanties belonged; they were on the work and used by Wright & Barcus.

J. BODLEY.

*Copy of Register of Engineer's Estimates.*

DATE.	Number.	Estimate.	Amount of Draft.	Total Estimate.	Total Draft.
1839—November 17.....	1	\$550 00	\$495 00	\$550 00	\$495 00
1839—March 23 .....	4	1 586 00	1 428 00	2 136 00	1 923 00
May 27.....	2	1 610 00	1 476 00	3 776 00	3 329 00
August 7.....	12	1 090 00	935 00	4 815 00	4 234 00
September 4.....	16	831 00	763 00	5 666 00	5 100 00
November 1.....	19	889 00	800 00	1 555 00	5 900 00
1840—March 16.....	20	635 46	1 294 46	7 190 46	7 190 46
1841—January 14.....	...	2 254 68	2 254 68	9 445 14	9 445 14

The above table is found on the engineer's register, at page 10. On the opposite page, upon the register, is found the following words, set opposite table down to 1840: "The total amount estimated on sections Nos. 59, 60, 61, and 62, up to January 14, 1841, \$33,109 32, and including that made on the 14th of January, per cent. retained, \$655." Opposite the line of January 14, 1841, is the following words: "This estimate was made in pursuance of special law passed by the legislature, Jan. 1841." The following is found on page 15 of said register:

DATE.	Number.	Estimate.	Amount of Draft.	Total Estimate.	
1842—May 19.....	3	\$7,826 86	\$7 054 00	\$7 826 86	\$7,045 00
August 1.....	8	2,552 14	2,295 00	10,397 00	9,340 00
September 26.....	20	1,116 00	1,005 00	11,495 00	10 345 00
December 5.....	31	1 800 00	1,620 00	12,295 00	11,965 00
February 15.....	51	1,141 00	1,025 00	14,426 00	12,990 00
May 13.....	58	4 460 00	4 050 00	18 896 00	17 445 00
July 29.....	74	5 400 00	4 860 00	24,296 00	21,865 00
August 25.....	77	4,196 00	6 527 92	28,393 92	28,392 92

On page 15 of the register also occurs these words, to-wit: "Total paid prior to the passage of the canal scrip law, in winter 1841 and 2, \$9,445 14."

I certify the foregoing to be a true and complete copy of the entries on page 15 of the Engineer's register, referred to in the testimony of Joseph H. Nelson, Engineer.

J. E. McDONALD,  
*Attorney General.*

[ B ]

*Copy of the Assignment from Wright to Barcus.*

NEWARK, Oct. 6, 1838.

I hereby assign to Jacob Barcus, of the county of Gibson and State of Indiana, All my right, interest and claim in and to section 62 of the Wabash Canal, together with all moneys or profits which may accrue from the prosecution of the contract, for and in consideration of the sum of two hundred and twenty-five dollars to me in hand paid this day.

H, K. WRIGHT, [SEAL.]

Witness: C. G. VOORHEES.

## DEPOSITION OF DAVID ROWLES.

WRIGHT & BARCUS vs. THE STATE OF INDIANA.

The following is the deposition of David Rowles, Esq., taken, to be read in evidence in a case now pending, wherein the said Wright & Barcus are plaintiffs, and the State of Indiana is defendant, before the Hon. Joseph E. McDonald, Attorney General for the State of Indiana. This day, personally appeared before me the undersigned, Clerk of the District court of the county of Monroe, in the State of Iowa, at my office in the town of Albia, in said county, on the 24th day of January, A. D., 1847, David Rowles, of lawful age, and being by me duly sworn, testifies as follows, to-wit:

*Question.* Where did you reside from the 1st of January, 1838, till the 1st of Aug. 1844, and what was your occupation?

*Answer.* I resided in Fountain county, in the State of Indiana, near Covington, I was a farmer.

*Question.* Are you acquainted with the plaintiffs in this cause, if so, state when and where, and what was their business or occupation?

*Answer.* I became acquainted with Jacob Barcus, one of the plaintiffs, during the fall of 1838, in Fountain county, Indiana. He



was engaged as contractor for the construction of section 62 on the Wabash Canal, and afterwards known as section 59 on the extension of the Wabash Canal.

*Question.* Have you seen the contract for the construction of the section as above described, if so, state with whom it was made, and whether you know the contract prices?

*Answer.* I have seen the contract, and know the contract prices; it was signed by Thomas H. Blake, as commissioner on the part of the State of Indiana, on the one part, and Wright & Barcus, the plaintiffs in this case, on the other part, for the construction of section 62 on the Wabash Canal, and afterwards known as section 59, on the extension of the Wabash and Erie Canal, below the mouth of the Tippecanoe river.

*Question.* State what you know about Wright & Barcus working and constructing said section 62 as above referred to.

*Answer.* Soon after the contract was entered into, Jacob Barcus, one of the contractors, commenced work on said section with a considerable force of men and teams; it was a heavy section, and required a large capital to commence and carry on the work, I suppose it would require several hundred dollars to furnish the teams, tools, and other articles required on such a contract or section, they pushed their work with considerable energy until the finances of the State became embarrassed, and she failed to meet her payment or estimates, after which time, they having expended a large amount in preparing to commence the work, they were unable to carry on or prosecute the work without aid or assistance. I, being anxious to see the work prosper, and the Canal completed, more particularly as the work passed through my land, and believing the State would soon devise some plan by which she would be able to prosecute the work to completion; I, under the circumstances, agreed to aid the said Wright & Barcus to carry on their work, and became responsible to the laborers employed on said work, and also for other articles necessary to carry on said work; and, after having incurred a heavy indebtedness, and become responsible for a considerable amount, for work done on said section, finding the State was making no effort or arrangement to pay for the work so done, I presented the facts and laid my claim before the General Assembly of the State of Indiana, during the session of 1840 and 1841, and that body passed an act or joint resolution for my relief, on the 5th of Jannary, 1841. In estimating said work, under the provisions of said act, there was no allowance made but for the work actually done on said section.

*Question.* State whether there was any contract or agreement with Jacob Barcus, or with Wright & Barcus, to relinquish or suspend operations on section 62 of the Wabash Canal, and afterwards known as section 59 of the extension of the Wabash and

Erie Canal, as contained in said joint resolution, passed January 5, 1841?

*Answer.* There was no contract entered into between Jacob Barcus, or with Wright & Barcus and myself, to that effect, nor by Barcus, or by Wright & Barcus, with any other person to my knowledge.

*Question.* State whether Jacob Barcus, as the contractor of section 62 of the Wabash Canal, and afterwards known as section 59 of the extension of said Canal, authorized you to receive Wabash and Erie Canal land scrip in payment for the construction of said section, and to release the State from all further liability on said contract, entered into by her for the construction of said section?

*Answer.* He authorized me to receive Wabash and Erie Canal land scrip, from the fact that there was no other funds provided by the State for the payment of said work, but did not authorize me to release the State from further liability on said contract, nor did he authorize me to receipt to that effect.

*Question.* What was the value of the Wabash and Erie Canal land scrip, from the 1st day of August, 1842, until the ———, 1843?

*Answer.* I suppose the average value would be about fifty cents on the dollar.

DAVID ROWLES.

STATE OF IOWA, } SS:  
*Monroe county,*

Subscribed and sworn to before me, Samuel Buchanan, Clerk of the District Court of Monroe, Iowa.

[L. s.] Witness my hand and seal of said Court hereto  
 affixed, at Albia, the 27th day of January, A. D.,  
 1857.

SAMUEL BUCHANAN.

*Clerk District Court, Monroe county, Iowa.*

STATE OF IOWA, SS:

I, John S. Townsend, sole judge of the 9th Judicial District, within and for said State, (within which is the said court of Monroe) do hereby certify that Samuel Buchanan, Esq., before whom the within and foregoing deposition of David Rowles was taken, is now, and was, at the date thereof, Clerk of the District Court of said county, duly elected and qualified, and that his attestation thereto is genuine.

[L. s.] Witness my hand and seal, this 27th day of January,  
 A. D., 1857.

JOHN S. TOWNSEND,

*Judge of the 9th Judicial District, Iowa.*

Which,

On motion,

Was referred to the committee on the judiciary.

By Mr. Early,

No. 265. A bill to amend an act, entitled an act to authorize railroad companies to consolidate their stock with the stock of railroad companies in this, or in an adjoining State, and to connect their roads with the roads of said companies, and to authorize railroad companies to construct their roads, which they may have heretofore surveyed and located, and use and occupy the same when completed.

Which was read a first time, and passed to a second reading.

By Mr. Kerr,

No. 266. A bill concerning licenses to carry on the business of stock and exchange broker.

Which was read a first time, and passed to a second reading.

By Mr. Steele,

No. 267. A bill to enable railroad companies to alter the levees of railroads, when sufficient stock cannot be raised to complete the same according to the original design thereof.

Which was read a first time, and passed to a second reading.

By Mr. Ricketts,

No. 268. A bill to amend the second section of an act, entitled an act to provide compensation to the owner of animals killed or injured by the cars, locomotives, or other carriages of any railroad company in this State, approved March 1, 1853.

Which was read a first time, and passed to a second reading.

By Mr. Sherrod,

No. 269. A bill for the extradition of fugitives from justice.

Which was read a first time, and passed to a second reading.

On motion by Mr. Carnahan,  
The House adjourned.

2 O'CLOCK P. M.

The House met.

The hour having arrived, the House proceeded to the

SPECIAL ORDER OF THE DAY.

House bill No. 99. A bill to prevent the making, issuing and circulating of fraudulent bank notes, bills and other instruments as money, to suppress fraudulent banking, and to declare and create personal liability against all persons engaged, or who may be engaged therein; and for other purposes.

Mr. Lane moved a call of the previous question.  
Which was not seconded by the House.

Mr. Walpole moved that the bill be indefinitely postponed.  
The ayes and noes were demanded by Messrs. Lane and Grose.

*Those who voted in the affirmative were,*

Messrs. Abel, Bethell, Bowman, Branson, Brown, Bryan, Colgrove, Conner of Wabash, Crawford, Crowe, Davis of Sullivan, Douglass, Evans, Gordon, Harrison, Hawkins, Jefferis, Kerr, Lewis, Moon, McDaniel, McDonald of Lake, Price, Reyman, Ricketts, Schermerhorn, Shuman, Van Sandt, and Walpole—31.

*Those who voted in the negative were,*

Messrs. Adams, Allen, Austin, Ayres, Ballenger, Batterton, Blake, Boyd, Branham, Carnahan, Clapp, Claypool, Conner of Hamilton, Conduitt, Cullen, Davis of Hendricks, Denby, Dobbins, Duncan, Edson, Grose, Hayden, Herod, Humphreys, Hutchings, Landiss, Lane, Massey, Marvin, Mercer, Merrifield, Modesitt, Moore, McGinnis, McKinney, Neal, Reese, Robbins, Shoulders, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stone, Studabaker, Taggart, Todd, Trippet, Vawter, Wallace, Ward, Whitcomb, Wiley, Williams of Lagrange, Williamson, and Mr. Speaker—59.

So the bill was not indefinitely postponed.

Mr. Kerr moved to lay the bill on the table.  
The ayes and noes were demanded by Messrs. Lane and Grose.

*Those who voted in the affirmative were,*

Messrs. Abel, Austin, Ballenger, Bethell, Blake, Bowman, Bran-

ham, Branson, Bryan, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Douglass, Early, Evans, Gordon, Grose, Harrison, Hawkins, Herod, Hoagland, Hutchings, Jefferis, Kerr, Lewis, Mercer, Merrifield, Modesitt, Moon, McDaniel, McDonald of Lake, McGinnis, Price, Reyman, Ricketts, Schermerhorn, Shuman, Sloss, Stone, Studabaker, Taggart, Trippet, Van Sandt, Wallace, Walpole, Ward, Whitcomb, Wiley, Williams of Lagrange, and Mr. Speaker—56.

*Those who voted in the negative were,*

Messrs. Adams, Allen, Ayres, Batterton, Boyd, Brown, Carnahan, Clapp, Clark, Denby, Dobbins, Duncan, Edson, Hayden, Landiss, Lane, Massey, Marvin, Moore, McKinney, Neal, Reese, Robbins, Shoulders, Slicer, Smith of Bartholomew, Smith of Delaware, Steele, Todd, Vawter, Williamson, and Yater—32.

So the bill was laid on the table.

On motion by Mr. Kerr,

The rules were suspended, and House bill No. 55, a bill to prevent the circulation of an unauthorized currency,

Was taken up.

On motion by Mr. Humphreys,

The vote ordering the bill to be engrossed,

Was reconsidered; when,

On motion of Mr. Davis of Sullivan,

The bill was committed to a select committee of three, consisting of Messrs. Kerr, Grose and Claypool.

#### BILLS INTRODUCED.

By Mr. Merrifield,

No. 270. A bill to amend section six of an act, entitled an act to incorporate the St. Joseph iron company, approved January 22, 1855, and to repeal of said act sections 7, 8, 9, 10, 11 and 12, whereby said company will be released from the obligation to keep up and maintain a lock at their dam on the St. Joseph river at Mishawaka.

Which was read a first time, and passed to a second reading.

By Mr. Merrifield,

No. 271. A bill to amend an act, entitled an act to incorporate the South Bend manufacturing company, approved December 28, 1842, so as to repeal so much of section 7 of said act, as requires

said company to keep up and maintain a lock at the dam of the of the St. Joseph river.

Which was read a first time, and passed to a second reading.

By Mr. Cullen,

No. 272. A bill to prevent market houses from being built upon the streets of towns or cities, without the consent of the owners of lots on such streets, and to authorize the removal of the same.

Which was read a first time, and passed to a second reading.

By Mr. Harrison,

No. 273. A bill for the election of county assessors and their duties thereunto prescribed.

Which was read a first time, and passed to a second reading.

Mr. Dobbins, from the committee on county and township business, made the following report:

MR. SPEAKER:

The committee on county and township business, to whom was referred House bill No. 162, have directed me, in obedience to a resolution, to report the same back for the further consideration of the House.

Which was concurred in and the bill ordered to be engrossed.

By Mr. Whitcomb,

No. 274. A bill to amend section 402 of article 21 of an act entitled, an act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity.

Which was read a first time and passed to a second reading.

On motion,

Leave of absence was granted to Mr. Stillwell.

By Mr. Mercer,

No. 275. A bill to authorize the removal of any free bank to a place of greater commercial importance.

Which was read a first time, and passed to a second reading.

By Mr. Gordon,

No. 276. A bill to establish true meridians in the several counties of the State, and to regulate land surveys thereby.

Which was read a first time, and passed to a second reading.



By Mr. Crowe,

No. 277. A bill defining the amount of property that shall be omitted by executors and administrators, in making out their inventories.

Which was read a first time, and passed to a second reading.

On motion by Mr. Blake,

House bill No. 42. A bill relative to the salaries of public officers' appropriation, and providing the manner of paying the same, as also the report of the committee,

Was taken from the table.

The question being on concurring in the report of the committee,

Mr. Conner of Wabash moved to amend the report to wit:

Insert in the proper place: and that the prosecuting attorneys for the several circuit courts be allowed the sum of five hundred dollars per annum.

Which was not agreed to.

Mr. Walpole moved to amend as follows: strike out "\$2,000" for supreme judges, and insert "\$1,500."

On motion by Mr. Davis of Sullivan,  
The bill was laid on the table.

On motion by Mr. Sherrod,

House bill No. 119. A bill regulating the fees of county auditors,

Was then taken from the table.

On motion by Mr. Sherrod,  
The vote ordering the bill to be engrossed,  
Was reconsidered.

On motion by Mr. Sherrod,  
The bill was referred to the committee on ways and means.

By unanimous consent,

Mr. Cullen introduced,

House bill No. 278. A bill to increase the duties and the salaries of the judges of the supreme court.

Which was read a first time, and passed to a second reading.

By unanimous consent,

Mr. Moon introduced,

House bill No. 279. A bill to amend sections 75, 80, 93, 94, 96, 100, 123, 124, 143, and 202, and to repeal section 119, of an act

entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the treasurer and auditor of State," approved June 21, 1852.

Which was read a first time, and passed to a second reading.

On motion by Mr. Kerr,

House bill No. 87. A bill to provide greater security of the funds of the State in the hands of the agent of State, together with the report of the committee,

Was taken from the table.

Mr. Kerr moved to amend the amendment as follows, viz:

Amend by adding a fifth section after the fourth section thereof, as follows:

SEC. 5. It shall be the duty of such agent, as soon as any bond or bonds, certificate or certificates of the State shall come into his hands by purchase thereof for the State, or by surrender to him in lieu of other bonds or certificates issued by him, or otherwise immediately to cancel the same so as effectually to preclude the possibility of their re-issue, and when so canceled, to transmit the same in some secure way to the auditor of State, whose duty it shall be at once to register and file the same in his office.

Which was agreed to.

By unanimous consent,

Mr. Branson introduced the following bill:

No. 280. A bill prohibiting State and county officers from taking or receiving any of the bills, notes, or issues of the new bank of the State of Indiana, in payment of taxes, or any debt or liability due the State or any county.

Which was read a first time, and passed to a second reading.

#### ORDERS OF THE DAY.

#### *House Bills on third reading.*

No. 123. A bill to amend the third and ninth sections of the fourth article of the constitution of the State of Indiana.

Was read a third time.

On motion by Mr. Kerr,

The bill was laid on the table.

No. 11. A joint resolution relative to the distribution of arms by the general government among the States.

Was read a third time.

The question being, shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Ballenger, Bethell, Blake, Bowman, Branham, Brown, Carnahan, Clapp, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Early, Edson, Evans, Gordon, Hawkins, Hayden, Herod, Hoagland, Humphreys, Hutchings, Jefferis, Kerr, Landiss, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moon, McDonald of Lake, McGinnis, McKinney, Neal, Price, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Steele, Stone, Studabaker, Taggart, Todd, Trippet, Van Sandt, Vawter, Wallace, Ward, Whitcomb, Wiley, Williams of Lagrange, Williamson, Yater, and Mr. Speaker—73.

*Those who voted in the negative were,*

Messrs. Adams, Clark, Duncan, and Moore—4.

So the joint resolution passed.

*Ordered,* That the Clerk inform the Senate thereof.

No. 178. A bill to prevent emigration of voters from one county in this State to another, for the purpose of influencing or carrying the election in such other county, and prescribing penalties against persons aiding, abetting, counselling, or engaged therein.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Ayres, Batterton, Bethell, Blake, Bowman, Branham, Branson, Brown, Carnahan, Clark, Colgrove, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Evans, Gordon, Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Hutchings, Jefferis, Kerr, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moon, Moore, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neal, Neff, Price, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Steele, Studabaker, Taggart, Todd, Trippet, Van Sandt, Vawter, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Yater, and Mr. Speaker—83.

No person voting in the negative.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Neff moved the House adjourn.

Which was not agreed to.

No. 192. A bill to amend section 315 of an act, entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Ayres, Ballenger, Batterton, Bethell, Blake, Bowman, Branham, Brown, Clapp, Clark, Colgrove, Conner of Wabash, Crowe, Cullen, Denby, Douglass, Evans, Hayden, Jefferis, Kerr, Lane, Larue, Lewis, Mercer, Moon, McDonald of Lake, Neal, Neff, Price, Reyman, Ricketts, Schermerhorn, Sherrod, Shuman, Sloss, Smith of Bartholomew, Steele, Stone, Studabaker, Van Sandt, Vawter, Ward, Wallace, Whitcomb, Williams of Knox, Williams of Lagrange, Williamson, and Mr. Speaker—51.

*Those who voted in the negative were,*

Messrs. Carnahan, Crawford, Davis of Sullivan, Dobbins, Duncan, Early, Edson, Gordon, Grose, Harrison, Herod, Hoagland, Humphreys, Hutchings, Landiss, Massey, Marvin, Modesitt, Moore, McGinnis, McKinney, Reese, Robbins, Shoulders, Taggart, Todd, Trippet, Wiley, and Yater—30.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 225. A bill to provide for the distribution of the surplus copies of the revised statutes of 1852, printed in the German language.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Ayres, Ballenger, Batterton, Bethell, Blake, Bowman, Branson, Brown, Carnahan, Clapp, Clark, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Harrison, Hawkins, Herod, Hoagland, Humphreys, Hutchings, Jefferis, Kerr, Landiss, Lane, Larue, Lewis, Massey, Merrifield, Modesitt, Moore, McDaniel, McDonald of Lake, McGinnis, McKinney, Neff, Reese, Reymann, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Sloss, Steele, Stone, Studabaker, Taggart, Trippet, Van Sandt, Vawter, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Yater, and Mr. Speaker—71.

*Those who voted in the negative were,*

Messrs. Colgrove, Hayden, Mercer, Marvin, Moon, Price, Shuman—7.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

No. 85. A bill to relieve Nathan Rowley of Vanderburgh county, from the consequences of certain legal proceedings had and judgment rendered in the Vanderburgh circuit court, at the September term of said court in the year 1847, in an action wherein the State of Indiana, on the relation of Brackett Mills, school commissioner, was plaintiff, and the said Nathan Rowley, former school commissioner, and sundry other persons, his sureties, as such, were defendants.

Was read a third time.

Mr. Williams of Knox moved to recommit the bill to the committee on the judiciary, with the following instructions:

To refund out of the treasury of Vanderburgh county.

Mr. Larue moved to lay the bill on the table,  
Which was not agreed to.

Mr. Conner of Wabash moved to amend the instructions as follows:

“In the discretion of the board of commissioners of Vanderburgh county.”

The question then being put, recommitting with Mr. Williams instructions.

It was agreed to.

The question then being, on re-committing with Mr. Conner's instructions.

It was agreed to.

Mr. Crowe, chairman of the committee on enrolled bills, made the following report :

**MR. SPEAKER :**

The committee on enrolled bills, have compared enrolled bills of the House No. 5 and 10, with the engrossed copies thereof, and find them correctly enrolled.

Mr. Marvin, chairman of the committee on engrossed bills, made the following report :

**MR. SPEAKER :**

The committee on engrossed bills have compared House engrossed bills No, 221, 227, 175, 181, 156, and 234, with the originals and find them correctly engrossed.

Mr. Marvin, chairman of the committee on engrossed bills, made the following report :

**MR. SPEAKER :**

The committee on engrossed bills have compared engrossed bills No. 222, 46, 122, 177, 184, 209, 224, and 215, with the originals, and find them correctly engrossed.

Mr. Crowe, chairman of the committee on enrolled bills, made the following report :

**MR. SPEAKER :**

The committee on enrolled bills have compared enrolled bills of the House Nos. 108, 152, 153, and 186, with the engrossed copies thereof, and find the same correctly enrolled.

Mr. Crowe, chairman of the committee on enrolled bills, made the following report :

**MR. SPEAKER :**

The committee on enrolled bills have compared enrolled bills of the House No. 57, 81, 128 and 166, with the engrossed copies thereof, and find the same correctly enrolled.

A message from the Senate by Mr. Harvey, their Secretary :

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representa-



tives that the Senate have passed the following bills of the House, without amendment, viz :

No. 5. A bill to amend the 10th section of an act entitled, "an act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties," approved June 11th, 1852, and supplemental thereto. Also,

No. 10. A bill to provide for the approval of official bonds in cases not now provided for by law. Also,

No. 108. A bill authorizing the appointment of special administrators, and prescribing their duties in certain cases. Also,

No. 57. A bill legalizing the acknowledgment of all deeds and mortgages, and other instruments of writing required to be recorded, taken and certified by justices of the peace to whom commissions have been regularly issued by mistake before the expiration of the term of office of their predecessors. Also,

No. 81. A bill to amend an act entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852. Also,

No. 128. A bill to cure defective sales made by executors or administrators, where the heirs have been notified by publication or summons. Also,

No. 152. A bill to fix the time for holding the circuit courts in the first judicial circuit, and repealing all laws in conflict therewith. Also,

No. 153. A bill to amend an act regulating the fees of officers, and repealing former acts in relation thereto, approved March 2, 1855. Also,

No. 166. A bill to legalize the acts of the board of trustees of the town of Mishawaka. Also,

No. 186. A bill to amend the 2d section of an act entitled an act prescribing the duties and fixing the compensation of State Agent, approved June 17, 1852.

On motion by Mr. Ward,  
The House adjourned.

THURSDAY MORNING, 9 o'clock, }  
February 19th, 1857. }

The House met.

The clerk proceeded to read the journal.

When,

On motion by Mr. Humphreys,  
The further reading of the journal was dispensed with.

The Speaker laid before the House the following communication from the President of the North Western Christian University:

HON. BALLARD SMITH,

*Speaker of the House of Representatives:*

SIR:—Supposing that your honorable body might be somewhat interested by visiting our University, we respectfully invite you to be present at our monthly exercise, on Friday afternoon, the 27th inst., at 3 o'clock.

Should this time not be convenient for you, we shall be most happy to adapt ourselves to any arrangements you may make for the above object.

In the name of the faculty, I am happy to subscribe myself,

Your humble servant,

JOHN YOUNG,

*Acting Pres't N. W. C. University.*

February 16, 1857.

#### PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Price presented a petition signed by sundry citizens of the county of Lake, in reference to the dam in the Calumet river.

On motion by Mr. Price,

Was referred to the committee on the judiciary.

The Speaker laid before the House a communication signed by Antoinette L. B. Blackwell, in reference to the woman's rights convention.

On motion,

Was referred to a select committee of five, consisting of Messrs. Sherrod, Bowman, Adams, Dobbins, and Massey.

Mr. Wiley presented a petition signed by James Gregg and others, in reference to the school law.

On motion,

Was referred to the committee on county and township business.

By Mr. Clapp,

A petition signed by sundry citizens of Jefferson township, Noble county, relative to township business.

Which,

On motion,

Was referred to the committee on county and township business.

Mr. Ayres presented a petition signed by J. A. Applegate, in reference to amending the school law.

On motion,

Was referred to the committee on education.

Mr. Ayres presented a petition signed by George Harron, in reference to a road tax list in Whitewater township, Franklin county.

On motion,

Was referred to the committee on county and township business.

#### REPORTS FROM COMMITTEES.

Mr. Moon, from the committee on ways and means, made the following report :

**MR. SPEAKER :**

The committee of ways and means, to whom was referred House bill No. 20, a bill to amend sections 142, 143 and 202, of an act entitled an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, &c., have had the same under consideration, and instruct me to report it back, and recommend its indefinite postponement.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Hoagland, from the committee on ways and means, made the following report :

**MR. SPEAKER :**

The committee of ways and means, to whom was referred House bill No. 201, a bill to amend section thirty-two of chapter

six, of the revised statutes of 1852, have examined the same, and a majority of the committee instruct me to report it back to the House, and recommend its indefinite postponement.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Humphreys, from the committee on ways and means, made the following report :

MR. SPEAKER:

The committee of ways and means, to whom was referred Senate bill No. 22, a bill to amend the 43d section of an act, entitled an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, &c., have examined the same, and direct me to report it back to the House, and recommend its indefinite postponement.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Studabaker, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 212, being an act to amend section first of an act, entitled an act authorizing proceedings to try the right of property, seized by virtue of any writ of execution or attachment, and claimed by any person other than the execution or attachment defendant, approved June 10, 1852, have had the same under consideration, and directed me to report the same back, and recommend its indefinite postponement.

Which report was then concurred in, and the bill indefinitely postponed.

Mr. Denby, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 185, being a bill to relieve Nathan Rawley, of Vanderburgh county, from the consequences of certain legal proceedings had, and judgment rendered in the Vanderburgh circuit court, at the September term of said court in the year 1847, in an action wherein the State of Indiana, in the relation of Brackett Mills, school commissioner, was plaintiff, and the said Nathan Rawley, former school commissioner, and sundry other persons, his sureties, as such, were de-

pendants, together with instructions, have had the same under consideration, and directed me to report the same back, amended in accordance with such instructions, so that the first section of said bill shall read as follows :

**SECTION 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the amount of the said judgment, with the interest and costs paid by the said Rawley, as above recited, be repaid to the said Rawley, out of the county treasury of Vanderburgh county, in the discretion of the board of commissioners of said county.

Which report was concurred in, the amendment adopted.  
The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Austin, Ballenger, Bethell, Blake, Bowman, Brown, Clapp, Claypool, Conner of Hamilton, Conner of Wabash, Crawford, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Evans, Grose, Harrison, Hawkins, Hayden, Hoagland, Humphreys, Hutchings, Kerr, Lane, Lewis, Massey, Mercer, Merrifield, Modesitt, Moon, Moore, McDaniel, McDonald of Lake, McFarland, McGinnis, McKinney, Neff, Sherrod, Shuman, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stone, Studabaker, Taggart, Todd, Van Sandt, Vawter, Wagner, Walpole, Ward, Whitcomb, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker—64.

*Those who voted in the negative were,*

Messrs. Adams, Allen, Ayres, Boyd, Bryan, Carnahan, Clark, Early, Edson, Gordon, Herod, Jefferis, Landiss, Larue, Marvin, Price, Reese, Robbins, Shoulders, Slicer, Wallace, and Williams of Lagrange—22.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

Mr. Lane, chairman of the committee on education, made the following report :

MR. SPEAKER :

The committee on education, to whom was referred the petition of Omeé Yousey and others, and the remonstrance of Jacob E. Reese and others, all resident citizens of Lawrenceburgh township in the county of Decatur, in regard to the levying of a special tax in said township for school purposes, have had the same under

consideration, and directed me to report back to the House said petition and remonstrance, and that in the opinion of the committee, any action thereon by this body is inexpedient.

Which report was concurred in.

Mr. Crowe, from the committee on education, made the following report :

**MR. SPEAKER :**

The committee on education, to whom was referred a resolution of enquiry into the expediency of so amending the law, as to exempt from taxation all property built or used exclusively for school purposes, have had the same under consideration, and have directed me to report to the House, that in the opinion of the committee, any such change in the law is both unconstitutional and inexpedient.

Which report was concurred in.

Mr. Smith of Bartholomew, from the committee on education, made the following report :

**MR. SPEAKER :**

The committee on education, to whom was referred a resolution instructing them to report a bill so amending the school law, as that each township shall form a general school district, which shall be divided into sub districts, with other provisions in regulation thereof, have had the same under consideration, and have directed me to report to the House, that in the opinion of the committee, any change in the law to the above effect is wholly inexpedient.

Which report was concurred in.

Mr. Gordon, from the committee on education, made the following report :

**MR. SPEAKER :**

The committee on education, to whom was referred a resolution directing them to enquire into the expediency of requiring teachers teaching public schools, to teach seven hours a day from the first of March to the first day of September, and six hours a day from the first day of September to the first day of March, and report by bill or otherwise, have had the same under consideration, and have directed me to report, that in their opinion, legislation upon that subject is not expedient.

Which report was concurred in.

Mr. Williams of Lagrange, from the committee on claims, made the following report :



MR. SPEAKER :

The committee on claims, to whom was referred the petition of Thomas Akers of Floyd county, Indiana, for pursuing to, and returning from Canada, a fugitive from justice from this State, beg leave to report, that they have had the same under consideration, and recommend the allowance of the amount prayed for in said petition, and that the amount so granted, be included in the amount of specific allowances to be made by the committee of ways and means.

Which was concurred in,

And the petition referred to the committee on ways and means.

Mr. McFarland, chairman of the committee on corporations, made the following report :

MR. SPEAKER :

The committee on corporations, to whom was referred House bill No. 161, a bill to regulate voting by the stockholders of moneyed corporations, have had the same under consideration, and directed me to report the same back to the House, and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Crawford, from the committee on swamp lands made the following report :

MR. SPEAKER :

The committee on swamp lands, to whom was referred Senate bill No. 62, have had the same under consideration, and directed me to report the same back to the House, recommending its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Williamson, chairman of the committee on agriculture, made the following report :

MR. SPEAKER :

The committee on agriculture, to whom was referred House bill No. 148, with pending amendments, have had the same under consideration, and directed me to report the same back, amended as follows :

Add the following proviso to the end of section 1;

“*Provided*, All actions and right of actions, now pending under provisions of the act to which this is an amendment, may be prosecuted under the provisions of the law in force at the time this act took effect.”

Also, amend section 2 by striking out the words “into the common school fund,” where it occurs at the bottom of said section, and insert in lieu thereof, the following:

“Into the county treasury.”

And when so amended, to recommend its passage.

Which report was concurred in.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Ballenger, Bethell, Bowman, Boyd, Branhams, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Claypool, Conner of Hamilton, Conner of Wabash, Crawford, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Duncan, Early, Edson, Evans, Grose, Harrison, Hawkins, Humphreys, Hutchings, Jefferis, Landiss, Lane, Larue, Lewis, Massey, Mercer, Merrifield, Modesitt, Moore, McDaniel, McDonald of Fountain, McDonald of Lake, McFarland, Neal, Neff, Price, Ricketts, Robbins, Sherrod, Shouiders, Shuman, Slicer, Sloss, Smith of Delaware, Steele, Stone, Studabaker, Trippet, Van Sandt, Vawter, Warner, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, and Williamson—72.

*Those who voted in the negative were,*

Messrs. Allen, Ayres, Blake, Conduitt, Douglass, Herod, Kerr, Marvin, Moore, McKinney, Schermerhorn, Smith of Bartholomew, Taggart, Walpole, Yater and Mr. Speaker—16.

So the bill passed.

*Ordered*, That the clerk inform the Senate thereof.

Mr. Conner of Wabash, offered the following resolution:

*Resolved*, That the committee on the judiciary be instructed to prepare and report a bill to the House, authorizing the Treasurer of State to purchase a safe, in which to keep all moneys belonging to the State, which have, or shall hereafter, come into his hands as such Treasurer, and to prohibit such Treasurer from speculating with the public funds, by using or loaning the same, or by depositing the same in any bank or broker's office, or with any person

whatever, and requiring such Treasurer to account to the State for any interest or profits he may receive by any such means.

Mr. Blake moved to indefinitely postpone the resolution.

The ayes and noes were demanded by Messrs. Smith of Bartholomew and Conner of Wabash.

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Ayres, Ballenger, Bethell, Blake, Bowman, Boyd, Branson, Brown, Carnahan, Colgrove, Crowe, Cullen, Dobbins, Douglass, Duncan, Early, Edson, Gordon, Grose, Haw-Hayden, Herod, Hutchings, Jefferis, Landiss, Lane, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moon, McDaniel, McDonald of Fountain, McDonald of Lake, Neff, Price, Reese, Ricketts, Schermerhorn, Sherrod, Shoulders, Shuman, Slicer, Smith of Bartholomew, Smith of Delaware, Studabaker, Taggart, Trippet, Wagner, Wallace, Ward, Wiley, Williams of Knox, Williamson, and Yater—60.

*Those who voted in the negative were,*

Messrs. Austin, Batterton, Branham, Bryan, Clapp, Clark, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Davis of Hendricks, Davis of Sullivan, Evans, Harrison, Hoagland, Larue, Moore, McKinney, Neal, Sloss, Steele, Stone, Van Sandt, Whitcomb, Williams of Lagrange, and Mr. Speaker—26.

So the resolution was indefinitely postponed,

On motion by Mr. Gordon,

*Resolved*, That the committee on benevolent institutions be instructed to enquire into the expediency of providing by law for the laying off in town lots, and the sale thereof, of that portion of the farm belonging to the Insane Asylum lying north of the national road and east of the main entry to the Asylum from said road, being 60 rods long on said road, and not to exceed 200 feet deep; and report thereon by bill or otherwise.

On motion by Mr. Reese,

*Resolved*, That the witnesses called on behalf of the State before the swamp land committee to testify touching irregularities in the sale of swamp lands in Jasper county, be allowed fifteen dollars each, for mileage, and two dollars per day for every day's attendance, counting time coming and going, to be ascertained by the chairman of said committee, and certified by the Speaker of

the House to the Auditor of State, who shall draw his warrant for the same, to be paid out of the swamp land funds of Jasper county.

On motion by Mr. Dobbins,

*Resolved*, That the committee on education be instructed to enquire into the expediency of so changing the law which now requires the township trustees to take the numeration of children, so that hereafter the assessors shall be entrusted with that duty, with leave to report by bill or otherwise.

On motion by Mr. Landiss,

*Resolved*, That the clerk of this House have carefully prepared a correct list of all acts passed and becoming a law by this legislature, and have the same printed so as to deliver each member five copies as soon as possible at the adjournment, specifying the title of each bill or act.

On motion by Mr. Larue,

*Resolved*, That the committee appointed to divide the State into judicial districts for the common pleas courts, be instructed to provide that such courts shall hold but three terms in one year.

On motion by Mr. Modesitt,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of so amending the law regulating the jurisdiction and duties of justices of the peace, so as to allow justices of the peace to issue warrants on view and without the requiring an affidavit.

On motion by Mr. Smith of Bartholomew,

*Resolved*, That a copy of the report of the attorney general relating to the claim of Wright & Co., against the State of Indiana, be laid upon the desk of each member of the House.

Mr. Neil offered the following resolution :

*Resolved*, That the committee on ways and means be instructed to enquire into the expediency of so amending the law relative to the sale of real estate for taxes as to have all delinquent lands forfeited to the State for the non-payment of taxes, and that the person redeeming said delinquent lands shall pay the same per centum that is now paid to purchasers for their per centum, and that they to repeal the law so far as relates to individual purchasers, and have leave to report by bill or otherwise.

Which was not agreed to.

Mr. Ayres offered the following resolution :

*Resolved*, That the committee on education be instructed to enquire into the expediency of so amending the school law, in relation to township libraries, as to require a portion of said libraries to be printed in the German language, for the use of our German citizens.

Which was not agreed to.

The Speaker laid before the House the following communication from the clerk of the Supreme Court :

CLERK'S OFFICE, SUPREME COURT, }  
February 19th, 1857. }

HON. BALLARD SMITH,

*Speaker of the House of Representatives :*

SIR:—I have received the resolution of the House adopted on the 14th inst., in reply thereto I have the honor to submit the following report:

1st, The number of cases now on the docket of the Supreme Court is.....	947
2d, The number of appeals from the circuit.....	631
Number of appeals from common pleas.....	316
3d, The number of submitted cases, is.....	767
4th, The number of cases disposed of at Nov. Term, 1856..	260
5th, The opinions of this term (Nov. Term, 1856,) will probably make in the printed report, pages.....	500

Very respectfully,

Your obedient servant,

W. B. BEACH, C. S. C.,

By JOSEPH S. KENTZEL, *Deputy*.

Which,

On motion by Mr. Clapp,

Was referred to the committee on the judiciary.

The Speaker laid before the House reports of clerks of the different counties of this State, in reference to the expense of common pleas courts.

Which,

On motion by Mr. Colgrove,

Were referred to a select committee of three, consisting of Messrs. Colgrove, Blake, and Kerr.

Mr. Wagner introduced,

Joint resolution, No. 13 :

*Be it resolved by the General Assembly of the State of Indiana*, That the premium lists of the State Board of Agriculture, shall be

printed by the State Printer as other matter is printed, on or before the first day of May of each year, and that this joint resolution shall be in force from and after its passage.

Which was read a first time, and passed to a second reading.

#### ORDERS OF THE DAY.

##### *House Bills on Third Reading.*

No. 56. A bill to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act, which failed for a constitutional vote.

Was taken up.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Austin, Ayres, Ballenger, Batterton, Blake, Branham, Brown, Bryan, Clapp, Colgrove, Conner of Hamilton, Crawford, Cullen, Davis of Hendricks, Davis of Sullivan, Evans, Gordon, Grose, Hayden, Hoagland, Hutchings, Jefferis, Kerr, Lane, Larue, Lewis, Mercer, Merrifield, Moon, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neal, Neff, Price, Reese, Ricketts, Schermerhorn, Sherrod, Shuman, Sloss, Smith of Delaware, Steele, Stone, Van Sandt, Vawter, Wagner, Walpole, Whitcomb, Wiley, and Williams of Lagrange—54.

*Those who voted in the negative were,*

Messrs. Abel, Allen, Bethell, Bowman, Boyd, Branson, Carnahan, Clark, Conner of Wabash, Conduitt, Crowe, Dobbins, Douglass, Duncan, Early, Edson, Harrison, Herod, Humphreys, Landiss, Massey, Marvin, Modesitt, Moore, McDaniel, McFarland, Robbins, Shoulders, Slicer, Smith of Bartholomew, Studabaker, Taggart, Trippet, Wallace, Williams of Knox, Williamson, Yater, and Mr. Speaker—38.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

By unanimous consent,

Mr. Colgrove, from the committee on the judiciary, made the following report:

MR. SPEAKER :

The judiciary committee, to whom was referred a resolution directing an enquiry "whether section 5 of chapter 38, of the laws



of 1853, was constitutionally enacted," have had the same under consideration and directed me to report as the opinion of the committee, that said section was constitutionally enacted, the subject matter being clearly designated in the title of the bill; sections one, two, three, and four of said act being enacted for the purpose of amending sections eighteen, twenty-four, twenty-five and twenty-six, entitled, an act regulating descents and apportionment of estates, approved May 14th, 1852, said amended sections not being recited in said act, your committee are therefore of the opinion that sections one, two, three, and four of said act are unconstitutional.

Which report was concurred in.

No. 232. A bill to amend the 23d section of an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the treasurer and auditor of State, approved June 21, 1852.

Was read a third time, when,

On motion by Mr. Colgrove,  
The bill was laid on the table.

Mr. Colgrove moved to take House bill No. 232 from the table. The ayes and noes were demanded by Messrs. Conduitt and Crowe.

*Those who voted in the affirmative were,*

Messrs. Austin, Ballenger, Blake, Carnahan, Colgrove, Conner of Hamilton, Davis of Sullivan, Dobbins, Duncan, Edson, Herod, Larue, Massey, Merrifield, Modesitt, Moon, Moore, McDonald of Lake, McKinney, Neal, Reese, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Delaware, Studabaker, Wagner, Williams of Knox, and Williamson—32.

*Those who voted in the negative were,*

Messrs. Abel, Allen, Bethell, Boyd, Branham, Branson, Brown, Bryan, Clapp, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Hendricks, Denby, Douglass, Evans, Grose, Harrison, Hawkins, Hayden, Hoagland, Humphreys, Hutchings, Jeffers, Kerr, Landiss, Lane, Lewis, Marvin, Mercer, McDaniel, McFarland, McGinnis, Neff, Price, Sloss, Smith of Bartholomew, Steele, Stone, Taggart, Trippet, Van Sandt, Vawter, Walpole, Ward, Whitcomb, Wiley, Williams of Lagrange, Yater, and Mr. Speaker—52.

So the bill was not taken up.

No. 211. A bill authorizing the recording of patents for land, and making such records and copies from such records evidence, and allowing recorders fees for recording the same.

Was read a third time.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Bethell, Blake, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Evans, Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Hutchings, Kerr, Landiss, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moore, McDaniel, McDonald of Fountain, McDonald of Lake, McFarland, McGinnis, McKinney, Neal, Neff, Price, Reese, Robbins, Schermerhorn, Sherrod, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Studabaker, Taggart, Trippet, Van Sandt, Wagner, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Yater, and Mr. Speaker—84.

No person voted in the negative.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

No. 46. A bill for the improvement of agriculture, and to enable persons owning overflowed or swamp lands to drain them.

Was read a third time.

On motion by Mr. McDonald of Lake,

The bill was recommitted, with the following instructions :

To so amend as to provide for the prepayment of the damages assessed before commencement of the work.

No. 122. A bill to amend the 49th section of an act entitled an act to provide for the opening, vacating and change of highways, approved June 17, 1852.

Was read a third time

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Austin, Ayres, Ballenger, Blake, Bowman, Branham, Branson, Brown, Bryan, Carnahan, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Crowe, Cullen, Davis of Hendricks, Denby, Dobbins, Douglass, Duncan, Early,

Edson, Evans, Gordon, Grose, Hawkins, Hayden, Herod, Hoagland, Humphreys, Hutchings, Jefferis, Kerr, Landiss, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moon, Moore, McDaniel, McDonald of Fountain, McDonald of Lake, McFarland, McGinnis, McKinney, Neal, Price, Reese, Robbins, Schermerhorn, Sherrod, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Stone, Studabaker, Todd, Trippet, Van Sandt, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Lagrange, Williamson, Yater, and Mr. Speaker—79.

*Those who voted in the negative were,*

Messrs. Allen, Bethell, Boyd, Clark, Conduitt, Davis of Sullivan, Harrison, Neff, Walpole, and Williams of Knox—10.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

No. 156. A bill for the relief of John M. Shiry.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Ayres, Ballenger, Bethell, Blake, Bowman, Boyd, Branson, Brown, Carnahan, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Evans, Gordon, Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Hutchings, Jefferis, Kerr, Landiss, Lane, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moon, Moore, McDaniel, McDonald of Fountain, McDonald of Lake, McFarland, McGinnis, McKinney, Neal, Neff, Price, Reese, Robbins, Schermerhorn, Sherrod, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Stone, Studabaker, Trippet, Van Sandt, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Lagrange, Williamson, Yater, and Mr. Speaker.—84.

*Those who voted in the negative were,*

Messrs. Walpole, and Williams of Knox—2.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

No. 177. A bill to authorize the empannelling of petit juries in the court of common pleas, and to repeal an act therein named.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Bethell, Blake, Boyd, Brown, Clark, Colgrove, Conner of Hamilton, Conduitt, Crawford, Crowe, Cullen, Denby, Duncan, Early, Evans, Gordon, Grose, Harrison, Hawkins, Hayden, Hoagland, Humphreys, Hutchings, Kerr, Landiss, Lane, Lewis, Mercer, Merrifield, Modesitt, Moon, Moore, McDaniel, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neal, Price, Reese, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Sloss, Smith of Bartholomew, Steele, Stone, Studabaker, Taggart, Todd, Van Sandt, Wagner, Wallace, Walpole, Whitcomb, Wiley, Williams of Lagrange, Williamson, Yater and Mr. Speaker—65.

*Those who voted in the negative were,*

Messrs. Branson, Clapp, Conner of Wabash, Davis of Hendricks, Davis of Sullivan, Dobbins, Douglass, Edson, Herod, Jefferis, Massey, Marvin, Neff, Shuman, Trippet, and Ward—16.

So the bill passed.

*Ordered,* That the clerk inform the Senate thereof.

Mr. Walpole offered the following resolution :

*Resolved,* That in consideration of the orders of the day, bills upon their second reading, shall be read first and in the regular order in which they are placed on the file, no officer of the House shall prefer one measure to the prejudice or delay of the other. The same rule shall be adhered to, as to bills on their third reading.

Which lays over one day under the rule.

On motion by Mr. Dobbins,  
The House adjourned.

2 O'CLOCK, P. M.

The House met.

The hour having arrived, the House proceeded to the

**SPECIAL ORDER OF THE DAY.**

House bill No. 190. A bill supplemental to an act, entitled an act to provide for the election, fixing the compensation, and prescribing the duties of Attorney General of the State of Indiana, approved February 21, 1855.

By unanimous consent,

On motion by Mr. Gordon,

The bill was amended as follows ;

By striking out the word "whoever" in the first section of the bill.

Amend further by striking out the words, "such appeals," and inserting in lieu thereof the words, "other cases of appeals."

On motion by Mr. Walpole,

The bill was recommitted to the committee on the judiciary, with the following instructions :

To amend the bill by striking out so much of the same, as contemplates taxing cost against the State in any case whatever.

**HOUSE JOINT RESOLUTION ON SECOND READING.**

Joint resolution No. 12. A joint resolution relative to distribution of acts of 1855 to Adams county.

Was read a second time.

Mr. Williams of Knox moved to amend the joint resolution by adding in the proper place "all counties that have a deficiency."

Which was not agreed to.

Mr. Lane moved to amend the instructions as follows :

"And one copy to each of the McClure Library Associations in this State."

Which was not agreed to.

On motion by Mr. Marvin,

The bill was referred to a select committee of five.

No. 239. A bill to repeal section 21 of an act entitled an act for the prevention of frauds and perjuries, and requiring certain contracts to be in writing, and declaring certain conveyances, as-

signments, contracts, and mortgages, void, approved June 9th, 1852.

Was read a second time, and ordered to be engrossed.

On motion by Mr. Humphreys,  
The rules were suspended, and

House bill No. 167. A bill to apportion Senators and Representatives in the State of Indiana.

Was taken up.

Mr. Reese moved to amend sec. 2, 14th line, commencing with the word White, reading as follows, viz :

White, Jasper and Pulaski, two jointly. Strike out of the 15th line the words, "Pulaski one."

Mr. Allen moved to amend as follows :

Second section, strike out the word "one" in the 13th line after the word Montgomery, and insert the word "two." Also, strike out the word "two" in the 19th line, after the word Laporte, and insert the word one.

Mr. Neff offered the following instructions :

To amend the 16th line in sec. 2 as follows : strike out the words "Delaware and Blackford one jointly," and insert "Delaware one." Strike out "one" after Jay, and insert "Jay and Blackford one jointly."

Mr. Hoagland moved to recommit and amend as follows :

Sec. 2, strike out in the 11th line, after the word Wayne, three and insert two. Also, in the 17th line, after the word Allen, strike out one and insert two.

Mr. Brown offered the following additional instructions :

Make Laporte and Starke one senatorial district.

Strike out Starke from Marshall and St. Joseph for senatorial purposes.

Make Fountain and Montgomery one senatorial district.

Add Jasper to Lake and Porter, for senatorial purposes.

Mr. Williams of Lagrange offered the following instructions :

Amend the 16th line, by making DeKalb and Steuben one senatorial district, and Lagrange and Noble one senatorial district.

Mr. Conner of Wabash offered the following instructions :

Strike out the word Fulton where it occurs in the 15th line, and



insert Wabash, where it occurs in the same line, and insert Fulton, so that Miami and Wabash counties may compose one senatorial district, and Fulton and Kosciusko counties may compose one senatorial district.

Mr. Crowe moved to re-commit with the following instructions :

Amend sec. I by striking out in the 6th line, the words "and Scott," so that it will read "Clark one." In the 9th line of the same section, strike out the word "Jennings" before "and Jackson," and insert in lieu thereof, the word "Scott, so that it will read Scott and Jackson one. Before the word "Bartholomew" in same line, insert the words "Jennings and," so that it will read Jennings and Bartholomew one.

Mr. Crawford offered the following instructions :

In line number seventeen, strike out Lake and Porter from the the senatorial district composed of Laporte, Lake and Porter, and insert in line seventeen, Laporte one, Lake one, Porter one.

Mr. Hayden moved the following additional instructions :

Amend by striking out all after the words "to-wit" in the second section, and inserting the following: "That each one of the 91 counties in the State shall have one representation. That the other 9 representatives shall be given to the 9 counties which cast the largest number of polls at the last Presidential election, without regard to politics."

Mr. Branham offered the following instructions :

Section 2d, in 6th line where Jefferson occurs, strike out "one" and insert "two;" and in 13th line strike out Hendricks and Boone one jointly.

Mr. Ward offered the following instructions :

Amend the 2d section, 18th line, by providing that DeKalb and Steuben shall elect two Representatives jointly.

Mr. Marvin moved a call of the previous question.  
Which was seconded by the House.

The question being, shall the main question be now put?  
It was agreed to.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Ayres, Bethell, Blake, Bowman, Boyd, Bryan, Carnahan, Clark, Claypool, Conduitt, Crowe, Cullen,

Denby, Dobbins, Douglass, Early, Edson, Harrison, Hayden, Herod, Humphreys, Kerr, Landiss, Lane, Larue, Lewis, Mossey, Marvin, Moore, McDaniel, McDonald of Lake, McGinnis, McKinney, Reyman, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Stillwell, Studabaker, Taggart, Trippet, Wallace, Wiley, Williams of Knox, Williamson, and Mr. Speaker—50.

*Those who voted in the negative were,*

Messrs. Allen, Austin, Ballenger, Batterton, Branham, Branson, Brown, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Davis of Hendricks, Davis of Sullivan, Duncan, Evans, Gordon, Grose, Hawkins, Hoagland, Hutchings, Jeffers, Mercer, Merrifield, Moon, Neal, Neff, Price, Reese, Shuman, Sloss, Smith of Delaware, Steele, Stone, Todd, Van Sandt, Wagner, Walpole, Ward, Whitcomb, and Williams of Lagrange.—42.

So the bill did not pass for want of a constitutional majority.

#### HOUSE BILLS ON SECOND READING.

No. 240. A bill to amend section seventeen of an act, entitled an act regulating prosecutions in cases of bastardy, and providing for the support of illegitimate children, approved May 6, 1852.

Was read a second time, and,

On motion of Mr. Conner of Wabash.

Referred to the committee on the judiciary.

No. 241. A bill to establish forms for criminal proceedings, and to declare valid the use of such forms heretofore.

Was read a second time, and

On motion by Mr. Kerr,

Referred to the committee on the judiciary.

On motion by Mr. Cullen,

House bill No. 237. A bill to amend the 15th section of an act for the more uniform mode of doing township business, approved May 6, 1852,

Was taken up.

Mr. Larue submitted the following amendment :

Sec. 4, amend by striking out the word "fifty" in the second line, and insert "two hundred."

Sec. 13. Strike out the word "five" and insert "fifty," and insert in lieu of "5 and 20" "one hundred."

Sec. 14. Strike out "five" in the fourth line, and insert "fifty;" strike out "fifty" in the fifth line, and insert "one thousand."

Sec. 15. Strike out "twenty-five" in the third line, and insert "one hundred."

Sec. 18. Strike out the words, "for the use of common schools."

Mr. Denby moved to strike out the word "malt" wherever it occurs, except section 14.

And further amend by adding to section 21 the following proviso :

*"And provided further, That no provision of this act shall be construed to forbid the making of ale, lager beer, ale or any malt liquor and the sale thereof by wholesale or retail without license, subject, however, to all the provisions of this act in reference to nuisances."*

And further amend by adding to section 19 the following clause, to-wit :

*"To be distributed in the counties where the same are located : Provided, That all moneys collected from the sources mentioned in this section in any incorporated city of this State, shall be paid into the city treasury, to be applied as other city funds are applied."*

*and making the rest of the section conform thereto.*

On motion by Mr. Marvin,

The House resolved itself into committee of the whole on House bill No. 237. A bill to regulate the sale of spirituous, vinous, malt or intoxicating liquors.

Mr. Davis of Sullivan in the chair.

Mr. Davis of Sullivan, chairman of the committee of the whole House, made the following report :

MR. SPEAKER :

The committee of the whole House, to whom was referred House bill No. 237, have had the same under consideration, and have directed me to report progress, and ask leave to sit again.

A message from the Governor by Mr. Osborne, executive messenger :

MR. SPEAKER :

I am directed by his Excellency, the Governor, to inform the House, that he has approved and signed the following bills :

House bill No. 81. A bill to amend an act, entitled an act defining misdemeanors, and prescribing punishment therefor, approved June 14, 1852.

House bill No. 108. An act authorizing the appointment of special administrators, and prescribing their duties in certain cases.

House bill No. 128. An act to cure defective sales made by executors and administrators, where the heirs have been notified by publication or summons.

House bill No. 152. An act to fix the time of holding the circuit courts in the first judicial circuit, and repealing all laws in conflict therewith.

House bill No. 57. An act legalizing the acknowledgment of all deeds and mortgages, and other instruments required to be recorded, taken and certified by justices of the peace, to whom commissions have been regularly issued by mistake, before the expiration of the term of office of their predecessors.

House bill No. 186. An act to amend the second section of an act, entitled an act prescribing the duties and fixing the compensation of State agent, approved June 17, 1852.

House bill No. 100. An act to legalize the acts of the board of trustees of the town of Mishawaka.

House bill No. 153. An act to amend an act regulating the fees of officers, and repealing former acts in relation thereto, approved March 2, 1855.

House bill No. 10. An act to provide for the approval of official bonds in cases not now provided for by law.

House bill No. 5. An act to amend the 10th section of an act, entitled an act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties, approved June 11, 1852, and supplemental thereto.

A message from the Senate by Mr. Harvey, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bill of the House, viz:

No. 77. A bill to amend the 1st section of an act, entitled an act to incorporate the Cannelton paper mills, approved February 15, 1848, so as to give power to manufacture other articles—

Without amendment.

A message from the Senate by Mr. Harvey, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bill of the House, without amendment, viz:

No. 23. A bill for the removal of the old buildings on the Governor's circle in Indianapolis, and for the improvement of the same.

A message from the Senate by Mr. Harvey, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following joint resolution of the House, without amendment, viz :

No. 1. A joint resolution declaring it unconstitutional and impolitic for the State to purchase the Wabash and Erie canal.

Mr. Marvin, chairman of the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills, to whom was referred engrossed bills Nos. 87, 162, 167, and 161, have compared them with the originals, and find them correctly engrossed.

Mr. Crowe, chairman of the committee on enrolled bills, made the following report :

MR. SPEAKER :

The committee on enrolled bills have examined House bill No. 239, and compared it with the engrossed bill, and find it correctly enrolled.

Mr. Crowe, chairman of the committee on enrolled bills, made the following report :

MR. SPEAKER :

The committee on enrolled bills have compared enrolled bill of the House No. 23 with the engrossed copy thereof, and find the same correctly enrolled.

Mr. Crowe, chairman of the committee on enrolled bills, made the following report :

MR. SPEAKER :

The committee on enrolled bills have compared enrolled jo int

resolution of the House No. 1, with the engrossed copy thereof, and find the same correctly enrolled.

On motion of Mr. Neal,  
The House adjourned.

FRIDAY MORNING, 9 o'CLOCK, }  
February 20, 1857. }

The House met.

The Clerk proceeded to read the journal,  
When,

On motion by Mr. Bethell,  
The further reading of the journal was dispensed with.

#### PETITIONS, MEMORIALS, AND REMONSTRANCES.

Mr. Conner of Wabash presented the following petition :

A petition signed by A. J. Garner and others, in reference to amending the plank road law.

On motion by Mr. Conner of Wabash,  
Referred to the committee on the judiciary.

#### REPORTS FROM COMMITTEES.

Mr. Blake, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 220, a bill to prohibit the issue of bank notes for circulation by the Bank of the State of Indiana, upon deposits, and to provide for the location of additional branches of said bank, have had the same under consideration, and have directed me to report the same back with the following amendment, and recommend its passage.

Which report was concurred in.

And,



Mr. Studabaker moved to recommit the bill with the following instructions:

To amend so that when the books are opened for the subscription of stock in the new branches, that those having charge of the books for subscription of stock, shall give 30 days' notice in public newspaper, of the times and places of opening the books, and that said persons so having charge of the books, shall keep the same open for 30 days, between the hours of ten and four o'clock each day, for the subscription of stock, and that at the expiration of said 30 days, if there is an excess of stock taken, there shall be a dividend struck, and each person shall have stock in proportion to the amount he may have subscribed.

On motion by Mr. Davis of Sullivan,  
The bill was laid on the table.

Mr. Conner of Wabash, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred Senate bill No. 36, entitled a bill to provide for a change of venue in civil cases, on account of prejudice of the presiding judge, have had the same under consideration, and directed me to report it back with an amendment of the second section, so that it shall read as follows, and when so amended, to recommend its passage:

SEC. 2. Inasmuch as no provision is now made by law, for a change of venue in the cases named, it is deemed that an emergency exists for the immediate taking effect of this act, and it shall therefore take effect and be in force from and after its passage.

Which report was concurred in, and the bill ordered to a third reading.

Mr. Conner of Wabash, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 240, being an act to amend sec. 17 of an act entitled an act regulating prosecutions in cases of bastardy, and providing for the support of illegitimate children; approved May 6, 1852, have had the same under consideration, and directed me to report it back and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Conner of Wabash, from the committee on the judiciary, made the following report:

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 233, being an act to authorize county commissioners to award compensation for the services of agents employed in arresting fugitives from justice," have had the same under consideration, and directed me to report the same back and recommend its indefinite postponement.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Colgrove, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred Senate bill No. 56, entitled a bill to provide for the relief and support of married women when deserted by their husbands, and children when deserted by their parents, by the sale of property, have had the same under consideration, and directed me to report it back, amended so that sec. 4 shall read as follows, and when so amended, to recommend its passage:

SEC. 4. Inasmuch as there is now no law in force granting the relief desired, it is deemed that an emergency exists for the immediate taking of effect of this act, and it shall therefore be in force from and after its passage.

Which report was concurred in, and the bill ordered to a third reading.

Mr. Colgrove, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 208, being a bill to authorize and require executors, administrators, and guardians, to give notice of the time at which they intend to make final settlements, have had the same under consideration, and directed me to report it back and recommend its indefinite postponement.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Studabaker, from the committee on the judiciary made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 238, being an act to provide for the payment of costs and expenses in criminal actions on change of venue, have had the same under consideration, and directed me to report it back, with an amendment striking out the 4th and 5th sections, and when so amended to recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Kerr, from the committee on the judiciary, made the following report :

MR. SPEAKER.

The committee on the judiciary, to whom was referred House bill No. 241, entitled a bill to establish forms for criminal proceedings, and to declare valid the use of such form heretofore, have had the same under consideration, and instructed me to report the same back to this House and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Kerr, from the judiciary committee made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred House bill No. 210, a bill to amend the 26th section of an act entitled an act to establish courts of common pleas, defining the jurisdiction and duties of, and providing compensation for, the judges thereof, approved May 14, 1854, have had the same under consideration, and directed me to report the same back to this House, and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Studabaker, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred a resolution directing an enquiry into the expediency of amending the law regulating the jurisdiction of justices of the peace, so as to allow them

to issue warrants in view and without affidavit, have had the same under consideration, and directed me to report as the opinion of the committee, that legislation on the subject would be inexpedient.

Which report was concurred in.

Mr. Blake, from the committee on the judiciary, made the following report:

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 142, being "a bill relative to the remedy of creditors of corporations," have had the same under consideration, and directed me to report it back, and recommend its indefinite postponement.

The question being on concurring in the report,

It was agreed to, and the bill indefinitely postponed.

Mr. Kerr, from the committee on the judiciary, made the following report:

MR. SPEAKER :

The committee on the judiciary, to whom was referred House bill No. 187, entitled a bill to amend the 133d section of an act entitled, "an act for the settlement of decedents estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlements, approved June 17, 1852, so as to give widows \$500 instead of \$300, have had the same under consideration, and direct me to report the same back to this House, and recommend its passage.

The question being on concurring in the report,

On motion by Mr. Kerr,

The bill was laid on the table.

Mr. Kerr, from the committee on the judiciary, made the following report:

MR. SPEAKER :

The committee on the judiciary, to whom was referred House bill No. 96, entitled, a bill forbidding persons holding office in any of the banking institutions to hold office or to discharge the duties of any office or appointment in the State bank of Indiana, or in any of its branches, and prescribing the penalty for violating the provisions of the same, have had the same under consideration and a majority of said committee direct me to report the same back to this House, and recommend its indefinite postponement.

The question being on concurring in the report,  
 On motion by Mr. Kerr,  
 The bill was laid on the table.

Mr. Denby, chairman of the committee on elections, made the following report :

MR. SPEAKER :

The committee on elections, to whom was referred House bill No. 193. "a bill to designate the time and manner of electing senators in Congress and State officers who are chosen by the General Assembly," have had the same under consideration, and have directed me to report the same amended by striking out from sec. 1, from the enacting clause and inserting, "That at each session of the General Assembly preceding the expiration of the term of a senator in Congress, or when any vacancy of the office of senator shall have occurred in any manner—or in like manner when State officers are to be elected by the General Assembly or any vacancy to be filled, a joint convention of the two Houses of the General Assembly, shall be held in the hall of the House of Representatives, at two o'clock, P. M., on the third Thursday of each session, without further notice by resolution of the two Houses or otherwise."

And amend sec. 3, by adding thereto, "provided that a majority of the members elected to the General Assembly shall be necessary to constitute such joint convention," and when so amended, recommend its passage.

Which report was concurred in, and the bill as amended, ordered to be engrossed.

Mr. Stillwell, chairman of the committee on fees and salaries, made the following report :

MR. SPEAKER :

The committee on fees and salaries, to whom was referred Senate bill No. 28, a bill to authorize county recorders to demand their fees in advance, have had the same under advisement, and have directed me to report the same back, and recommend its passage.

Which report was concurred in, and the bill ordered to be read a third time on to-morrow :

Mr. Stillwell, chairman of the committee on fees and salaries, made the following report :

MR. SPEAKER :

The committee on fees and salaries, to whom was referred House bill No. 91, an act to amend the 3d section of an act entitled, an act to amend the 1st and 4th sections of an act entitled, an act authorizing recorders to make out complete or general

indexes to records of deeds and mortgages, and to procure and use seals, approved Feb. 14th, 1855, have had the same under consideration, and majority of said committee have directed me to report it back, and recommend its indefinite postponement.

Which report was concurred in, and the bill indefinitely postponed.

On motion by Davis of Sullivan,

*Resolved*, That the president of the board of commissioners of sinking fund be requested as speedily as possible to report to the House, the number and the amount of the State bank loan bonds they have redeemed, when and from whom purchased, and at what rate on the dollar, the amount of discount from the amount of the bonds resulting to the State by such purchases, and whether such bonds have been registered and canceled.

Mr. Colgrove, from the committee on agriculture, made the following report:

MR. SPEAKER:

The committee on agriculture, to whom was referred bill No. 46, a bill for the improvement of agriculture, and to enable persons owning overflowed or swamp lands to drain the same, with instructions to report the same back so amended by adding the following section, and recommend its passage:

SEC. —. The plaintiff obtaining the right to ditch across another's land under this act shall pay or tend to the party entitled thereto, all damages assessed to him or them, before he shall be allowed to commence the ditch.

Which report was concurred in, and the amendment adopted.

The question being, shall the bill pass?

Mr. Branson moved to recommit the bill with the following instructions: "To so amend the bill concerning the ditching of swamp lands, as not to compel a second party, through whose land it may be thought necessary to cut a ditch to drain his neighbor's land, to pay any part of the cost of such ditching, without his consent; and further, that they introduce a section to prevent the changing of the course of any running stream from its original channel, to the injury or inconvenience of any person through whose land such stream may run, or on whose land it may be turned by such ditch.

Pending which,

The hour having arrived, the House proceeded to the special order of the day on House bill No. 66. A bill for the investment and safe keeping of the school fund arising from the 114th section of an act establishing a State bank, approved January 28th, 1834.

The question being, shall the pending amendment be adopted?

Mr. Conduitt moved a call of the previous question,

Which was not seconded.



Mr. Abel moved a call of the previous question,  
Which was seconded by the House.

The question being, shall the main question be now put?  
It was agreed to.

The question being on the adoption of the amendment,  
The ayes and noes were demanded by Messrs. Grose and  
Gordon.

*Those who voted in the affirmative were,*

Messrs. Lane, Lewis, Massey, McDonald of Lake, Modesitt,  
and Reese—6.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Batter-  
ton, Bethell, Blake, Boyd, Branham, Branson, Brown, Carnahan,  
Clapp, Clark, Colgrove, Conner of Hamilton, Conner of Wabash,  
Conduitt, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan,  
Denby, Dobbins, Douglass, Duncan, Early, Edson, Evans, Gordon,  
Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys,  
Hutchings, Kerr, Landiss, Larue, Marvin, Mercer, Moon, Moore,  
McDaniel, McDonald of Fountain, McFarland, McGinnis, McKin-  
ney, Neal, Neff, Price, Reyman, Robbins, Schermerhorn, Sherrod,  
Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Steele,  
Stillwell, Stone, Studabaker, Taggart, Todd, Trippet, Van Sandt,  
Wallace, Walpole, Ward, Whitcomb, Wiley, Williams of Knox,  
Williamson, Yater, and Mr. Speaker—81.

So the amendment was not agreed to.

The question being, shall the bill be engrossed?  
Pending which,

On motion by Mr. Humphreys,  
The House adjourned.

2 O'CLOCK P. M.

The House met.

The pending question being, shall House bill No. 66 be en-  
grossed?

It was agreed to.

The hour having arrived, the House proceeded to the

**SPECIAL ORDER OF THE DAY.**

It being on the further consideration of House bill No. 150. A bill to regulate the business of insurance companies not incorporated by the State of Indiana, to punish violations of its provisions, and to repeal all previous enactments in regard to such companies.

The question being, shall the bill be recommitted to a special committee of one from each congressional district, with the pending instructions?

Mr. Abel moved a call of the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was agreed to.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Bethell, Blake, Boyd, Branham, Branson, Brown, Clapp, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Harrison, Herod, Hoagland, Humphreys, Kerr, Landiss, Lewis, Massey, Marvin, Modesitt, Moore, McDaniel, McDonald of Fountain, McDonald of Lake, McKinney, Neal, Price, Reese, Ricketts, Schermerhorn, Sherrod, Shoulders, Shuman, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Stone, Studabaker, Trippet, Ward, Whitcomb, Wiley, and Mr. Speaker—58.

*Those who voted in the negative were,*

Messrs. Carnahan, Clapp, Crowe, Early, Edson, Evans, Gordon, Grose, Hawkins, Jefferis, Lane, Larue, Mercer, Moon, McFarland, Reyman, Robbins, Taggart, Todd, Wagner, Wallace, Walpole, Williams of Knox, and Williamson—24.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

By unanimous consent,

Mr. Grose offered the following resolution :

*Resolved,* That in answer to an invitation from the honorable president of the North Western Christian University to this House

H. J.—44.

to attend a public exhibition at the same, on the 27th instant, the clerk of the House is hereby directed to tender to the university the thanks of the House for such invitation, and that the House regrets, that owing to the press of business before the legislature, it is compelled to forego the pleasure of attending the proposed exhibition.

Which was agreed to.

The Speaker laid before the House the following communication and report from a committee of the last General Assembly:

INDIANAPOLIS, February 19, 1857.

HON. BALLARD SMITH,

*Speaker of the House of Representatives :*

SIR:—Please lay before the House the accompanying report of the committee appointed to investigate the facts connected with the over issue of treasury notes.

Very respectfully your ob't serv'ts,

S. MEREDETH, Chair'n,	} Com.
S. H. BUSKIRK,	
H. C. NEWCOMB.	

HON. BALLARD SMITH,

*Speaker of the House of Representatives :*

SIR—In pursuance of the following resolution adopted by the House of Representatives on the 5th of March, 1855, to-wit:

“*Resolved*, That so much of the report of the committee of ways and means as relates to State scrip, be referred to a committee composed of Messrs. S. Meredith, S. H. Buskirk and H. C. Newcomb, to investigate the same, with power to send for persons and papers, and report the whole matter to the next meeting of the legislature,”

The committee convened on the 11th of Dec., 1856, at the office of Treasurer of State, and organized by the appointment of Hon. S. Meredith as chairman, and E. W. H. Ellis as clerk of said committee.

After a long and laborious investigation, the committee have arrived at the facts and conclusions herein presented. In the progress of their investigation, they found it necessary to examine thoroughly the books of registry of the various descriptions of treasury notes, comparing the dates of cancelation and the amount of notes canceled, with the amount allowed to the several treasurers by the committee of ways and means. They also examined all the vouchers in the office of the Auditor of State having any

connection with the issue or redemption of the treasury notes, and the reports made at various periods by the committees of ways and means, and the Auditor and Treasurer of State. In addition to these documentary investigations, the committee examined several gentlemen, who, in various capacities, had been connected with the issue or redemption of the scrip. Their statements will be found hereto appended.

To furnish a comprehensive view of the whole matter, the committee present an abstract of the laws authorizing the issue of State scrip, and directing the mode of registration and cancellation.

The act of Feb. 15, 1840, authorized "the Auditor of Public Accounts to procure the engraving of two neat and appropriate plates for treasury notes of State, one of the denomination of five dollars, and one of fifty dollars, and to have the amount of treasury notes struck off on good bank note paper, equal to the aggregate amount due contractors and others: *Provided*, That the amount of treasury notes so issued shall not exceed one million five hundred thousand dollars, for or on account of the prosecution of the public works in Indiana; one-half of the amount of the treasury notes to be issued shall be of the denomination of five dollars, and the other of the denomination of fifty dollars.

It was further made the duty of the auditor, to fill up and number, countersign and register said treasury notes, and to deposit the same with the Treasurer of State, taking his receipt therefor, "which he shall file in his office, and charge said treasurer in his books with the amount so delivered." The treasurer was required to sign, and cause the the treasury notes so received from the auditor, to be registered in his office.

The mode of registry and cancellation was prescribed as follows:

"SEC. 7. The registers to be prepared for registering said treasury notes in the offices of the auditor and treasurer, shall be in tabular form, with appropriate columns for the entry of the numbers, amounts, names of persons to whom issuing, the date of issue, the cancelling and date of being canceled; and it shall be the duty of the treasurer to enter as canceled, opposite its appropriate number, in his register, each treasury note redeemed; and shall once in three months, in company with the auditor, (who shall also enter in his register the word "canceled," and date thereof of each such canceled treasury note, in its appropriate place,) compare such canceled treasury notes with the entries in their registers, and, if found correct, said notes shall be canceled and filed away in the treasurer's office." General laws of 1840, pages 17 to 21.

The following joint resolution on the subject of cancelling treasury notes was approved February 13, 1841:

SEC. 1. That the Auditor, Treasurer and Secretary of State shall constitute a commission, whose duty it shall be, within thirty

days after the adjournment of the present session of the General Assembly, to burn all the treasury notes that may have been redeemed at the treasury.

SEC. 2. That said commission shall make out duplicate certificates, showing the amount, denomination, and date of issue of the notes so destroyed, and amount of interest thereon, one of which certificates shall be entered on the books in the office of the Treasurer of State, and the other filed with the auditor.

SEC. 3. That it shall be the duty of said commission to perform the same duty until all the treasury notes are destroyed, and so much of the seventh section of an act entitled "an act for the immediate relief of contractors and others engaged on the public works," as requires the word "canceled," and the date of each note redeemed, to be entered opposite its appropriate number in the registers of the auditor and treasurer, be, and the same hereby is repealed. Local laws of 1841, p. 220.

The act approved Jan. 31, 1842, authorized the Treasurer of State to cause to be prepared and issued, an amount of treasury notes of the State of Indiana, to be signed by the Treasurer and Auditor of State, in sums of five dollars, payable two years after date, sufficient to meet the indebtedness of the State to the various branches of the State bank of Indiana, for payments for internal improvement purposes, such notes to bear an interest of five per cent.

It was further provided, upon the payment of such notes into the treasury, that the Treasurer of State, after entering the return of such notes on the register of their issue, "shall, in the presence of the Auditor of State, and after their certifying on such register that they have duly compared the same, cancel them in the same manner as is provided in relation to the canceling of other treasury notes heretofore issued." General laws of 1842, p. 82.

An act of the legislature was approved Jan. 31, 1842, "authorizing the issue of five dollar treasury notes for the redemption of the fifty dollar treasury notes now in circulation."

It provided "that the Auditor of public accounts cause to be engraved and printed, treasury notes of the State, of the denomination of five dollars, payable two years after date, bearing interest at the rate of one quarter of one per cent. per annum, to an amount equal to the probable amount of treasury notes of the denomination of fifty dollars that will remain in circulation after the payment of the revenue of 1841; the amount so to be issued, not, however, to exceed the sum of five hundred thousand dollars."

Sections 2, 3, 5, 6 and 7 prescribe the mode of issuing and canceling said notes as follows:

SEC. 2. "That the said Auditor of public accounts shall fill up, (except the date and the name of the person to whom they may be issued,) and number, sign and register said treasury notes, and deposit the same with the Treasurer of State, taking his receipt



therefor, which he shall file in his office, and shall charge said Treasurer on his books with the amount thereof.

SEC. 3. That it shall be the duty of said Treasurer to sign said treasury notes, and to fill up the name of the person to whom the same shall be delivered, and cause the same to be registered in his office, and shall therewith redeem the present issue of treasury notes of the denomination of fifty dollars, by paying the same, dollar for dollar, without allowance for interest.

SEC. 5. That the registers required to be prepared for registering said treasury notes, shall be in the same form, and shall be kept in the same manner as those required for the late issue of treasury notes, under the act entitled "an act for the immediate relief of contractors and others engaged upon the public works," and the said notes when redeemed shall be entered and canceled on such registers, in the same manner as is required in the act aforesaid.

SEC. 6. That the said treasury notes, by this act authorized to be issued, shall, by said Auditor, be delivered to the Treasurer in parcels not exceeding \$50,000: and before any second parcel is delivered, the Treasurer shall account and settle with the Auditor for the amount by producing the fifty dollar notes therewith redeemed; and the said notes so produced shall, by said Auditor and Treasurer, be canceled by being cut by some sharp instrument and for the amount thereof, the Auditor shall issue his warrant to the Treasurer.

SEC. 7. That all other treasury notes redeemed at the treasury, shall, annually, within thirty days after the adjournment of the General Assembly, be counted by the Auditor and Treasurer of State, and thereupon canceled, and a warrant issued therefor, in like manner as provided in the preceding section, and shall also be entered "canceled" in the proper register thereof; and the same, together with those canceled under the preceding section of this act, shall be carefully preserved by said Auditor, until a committee of the next General Assembly shall count and compare the same with the registers thereof, when the same shall be burned in the presence of said committee and said Auditor and Treasurer; and certificates thereof, showing the number, date and amount of said treasury notes so burned, and the interest thereon, shall be signed by said committee, and said Auditor and Treasurer, and filed in the Auditor's and Treasurer's offices.

SEC. 9. That the joint resolution entitled, "a joint resolution of the General Assembly of the State of Indiana on the subject of the redemption and canceling of treasury notes," approved Feb. 13, 1841, be, and the same is hereby repealed. General laws of 1842, pp. 152-3-4.

The act approved Jan. 20, 1843, provided "that the treasury notes heretofore issued by the State, bearing an interest of six per cent., and those bearing an interest of one-quarter of one per cent. shall be receivable in payment of all debts due, or to become



due, to any county or counties in the State, whether for taxes or otherwise," and the officers receiving them were authorized to pay them out again as other funds in their hands. General laws of 1843, p. 29.

An act approved Jan. 13, 1844, provided, that so much of the act approved Jan. 31, 1842, as authorizes the issue of five dollar treasury notes in redemption of the fifty dollar treasury notes now in circulation, be, and the same is hereby suspended. General laws of 1844, p. 120.

An act of Jan. 15, 1844, provided "that the Treasurer of State be, and he is hereby authorized to negotiate a loan with the State Bank of Indiana, not to exceed in amount seventy five thousand dollars, in bankable funds, to run for two years, and for the purpose of securing the said bank, said Treasurer hypothecate an equal amount of treasury notes to the bank of any of the former issues, except the one fourth of one per cent. notes." General laws of 1844, p. 45.

It having been made to appear to the General Assembly, by report of the State Treasurer, that some of the one-quarter of one per cent. treasury notes had been altered so as to bear the appearance, and purport to be of the six per cent. issue, of the dates of April and September, 1840, and other dates, which fact had induced said Treasurer of State to refuse to receive the same from county treasurers, in remedy thereof an act was approved Jan 13, 1845, providing:

"SEC. 1. That the treasurer of State be, and he is hereby required to receive from the several county treasurers of this State, in payment of State revenue, all altered State scrip, at the rate that the same issued from the State Treasury.

"SEC. 2. That the several county collectors are hereby likewise required to receive, in payment of State revenue, all such altered State scrip, at the rate the same issued from the State Treasury, as is provided in the first section hereof." Gen. laws of 1845, pp. 26, 27.

The act approved March 1. 1852, made it the duty of the Treasurer of State, to give notice to the holders of all outstanding treasury notes heretofore issued by the authority of the State of Indiana, and which are receivable for public revenue, that the State is prepared to redeem, at the office of treasurer of State, all such treasury notes, and that interest thereon shall cease to run after the expiration of sixty days from the date of such notice. Gen. laws of 1852, p. 159.

In accordance with the provisions of the above recited acts, treasury notes of the several descriptions provided for, were issued as follows:

### *Six Per Cents.*

The Auditor's Report of Nov. 1, 1841, states the issue as follows:

In 5's and 50's up to Nov. 1, 1840.....	\$1,289,000
From Nov. 1, 1840, to Nov. 1, 1841.....	164,000
The Auditor's and Treasurer's Reports for 1842, state the issue during the year at .....	47,000

Making the whole amount of issue..... \$1,500,000

A memorandum made by the Treasurer of State, in vol. I of the registry, exhibits the following statement of dates, denomination and amount of issue:

April 20, 1840, 5's .....	\$644,000
April 20, 1840, 50's .....	575,000
Sept. 20, 1840, 5's.....	90,000
Sept. 20, 1840, 50's.....	40,000
Feb. 10, 1841, 5's....	14,500
Feb. 10, 1841, 50's .....	5,000
April 1, 1841, 5's.....	9,000
May 1, 1841, 5's....	11,000
June 1, 1841, 5's.....	6,500
July 1, 1841, 5's. ....	37,000
Sept. 1, 1841, 5's .....	10,000
Oct. 1, 1841, 5's.....	9,500
Nov. 1, 1841, 5's ..	17,000
Dec. 1, 1841, 5's.....	14,500
Jan. 1, 1842, 5's.....	17,000

Total issue of six per cents..... \$1,500,000

*One-quarter of one per cents.*

The Auditor's and Treasurer's Reports for Nov. 1842, state the issue of these notes, dated February 1, 1842, for the redemption of 50's at \$70,000.

The whole amount prepared by the Auditor of State was \$100,000, of which, unfinished sheets amounting to \$30,000 were destroyed by the committee of ways and means, as per documentary journal, 1851-2, p. 407, leaving as above, the actual amount, \$70,000.

*Five per cents.*

The Treasurer and Auditor's Reports of Nov. 1842, state the total amount of this issue at \$722, 640.

This sum was paid as follows, to the several branches of the State Bank, on account of the indebtedness of the State:

1. To the Lafayette Branch Bank.....	\$197,209 13
2. To the Terre Haute Branch Bank.....	34,985 61
3. To the Indianapolis Branch Bank.....	92,713 25

4. To the Vincenes Branch Bank . . . . .	42,288 07
5. To the New Albany Branch Bank . . . . .	58,814 91
6. To the Richmond Branch Bank . . . . .	18,388 73
7. To the Lawrenceburg Branch Bank . . . . .	54,377 18
8. To the Fort Wayne Branch Bank . . . . .	56,532 21
9. To the Evansville Branch Bank . . . . .	111,457 45
10. To the Bedford Branch Bank . . . . .	23,856 05
11. To the Madison Branch Bank . . . . .	32,016 05
Total . . . . .	<u>\$722,638 64</u>

*The following Statement shows the amount allowed to the several Treasurers for Redemption, of the various descriptions of Treasury notes, to-wit:*

*Six per cents.*

No.	Date.	NAMES OF TREASURERS.	Amount.
5032 6477 6479 6481 6482 6484	May 6, 1841.	George H. Dunn.....	\$147,700
6708 8797 789 1366 2658 3535 4246 5783 7466 8056 8401	Jan. 23, 1843.	George H. Dunn.....	398,565
	Jan. 9, 1844.	George H. Dunn.....	200,525
	Jan. 31, 1845.	Royal Mayhew .....	114,540
	March 6, 1846.	Royal Mayhew .....	147,370
	Jan. 23, 1847.	Royal Mayhew .....	148,510
	Feb. 22, 1848.	Samuel Hannah.....	70,580
	Jan. 19, 1849.	Samuel Hannah.....	62,740
	Jan. 15, 1850.	Samuel Hannah.....	86,000
	Feb. 26, 1851.	James P. Drake.....	64,755
	July 9, 1852.	James P. Drake.....	27,535
	Feb. 22, 1853.	James P. Drake.....	31,645
	April 4, 1853.	Elijah Newland.....	865
	1855.	W. R. Nofsinger.....	11,085
	Add amount in Treasurer's hands not canceled .....		1,195
Total amount redeemed .....			\$1,513,610

*Statement showing the amount allowed to the several Treasurers for Redemption, of the various description of Treasury notes.—Continued.*

*Five per cents.*

No.	Date.	NAMES OF TREASURERS.	Amount.
6435	Jan. 23, 1843.	George H. Dunn.....	\$46,350
6704	Jan. 9, 1844.	George H. Dunn.....	91,990
8799	Jan. 31, 1845.	Royal Mayhew .....	72,405
791	March 6, 1846.	Royal Mayhew .....	76,590
1363	Jan. 23, 1847.	Royal Mayhew .....	100,320
9690	Feb. 22, 1848.	Samuel Hannah.....	56,400
3537	Jan. 19, 1849.	Samuel Hannah.....	56,350
4250	Jan. 15, 1850.	Samuel Hannah.....	46,410
5785	Feb. 25, 1851.	James P. Drake.....	72,335
7470	July 9, 1852.	James P. Drake.....	63,925
8054	Feb. 22, 1853.	James P. Drake.....	49,485
8405	April 4, 1853.	Elijah Newland.....	355
	1855	W. R. Nofsinger.....	2,650
		Amount in Treasurer's hands not canceled .....	245
		Total amount redeemed .....	\$735,790

*One quarter of one per cents.*

No.	Date.	NAMES OF TREASURERS.	Amount.
2695	Feb. 22, 1848.	Samuel Hannah.....	\$28,750
3539	Jan.	Samuel Hannah.....	31,565
4248	Jan. 15, 1850.	Samuel Hannah.....	12,165
5787	Feb. 26, 1851.	James P. Drake .....	3,400
7468	July 9, 1852.	James P. Drake .....	735
8058	Feb. 22, 1853.	James P. Drake .....	335
8403	April 4, 1853.	Elijah Newland.....	45
		Amount in Treasurer's hands not canceled.....	50
		Total amount redeemed .....	\$77,045

RECAPITULATION.

*Six per cents.*

Total amount of issue.....	\$1,500,000
Total amount of redemptions.....	1,513,610
Excess of redemptions.....	\$13,610

*Five per cents.*

Total amount of issue.....	\$722,640
Total amount of redemptions.....	735,790
Excess of redemptions.....	<u>\$13,150</u>

*One-quarter of one per cents.*

Total amount of issue.....	\$70,000
Total amount of redemptions.....	77,045
Excess of redemptions .....	<u>\$7,045</u>

*Total excess of Redemptions.*

Six per cents. . . . .	\$13,610
Five per cents . . . . .	13,150
One-fourth of one per cents.....	7,045
Total Excess.....	<u><u>\$33,805</u></u>

## STATEMENT OF INTEREST ALLOWED.

*Six Per Cents.*

No.	Date of Warrant.	NAMES OF TREASURERS.	Amount.
5033	May 6, 1841.	George H. Dunn .....	4,403 84
6478	Jan. 23, 1843.	" " .....	27,319 00
6480	Jan. 23, 1843.	" " .....	1,190 00
6483	Jan. 23, 1843.	" " .....	401 33
6709	Jan. 9, 1844	" " .....	28,358 00
8798	Jan. 31, 1845.	R. Mayhew.....	29,659 90
790	March 6, 1846.	" " .....	36,204 00
1367	Jan. 25, 1847.	" " .....	40,632 36
2687	Feb. 22, 1848.	Samuel Hannah.....	26,788 60
3536	Jan. 19, 1849.	" " .....	27,661 66
4247	Jan. 15, 1850.	" " .....	43,067 35
5784	Feb. 26, 1851.	James P. Drake.....	35,414 76
7466	July 9 1852.	" " .....	17,027 09
8057	Feb. 22, 1853.	" " .....	21,574 90
8402	April 4, 1853.	E. Newland.....	592 35
2501	March 14, 1855.	W. R. Nofsinger.....	4 238 08
Total interest allowed.....			<u>\$337.533 13</u>

*Five Per Cents.*

No.	Date of Warrant	NAMES OF TREASURERS.	Amount.
6486	Jan. 23, 1843.	George H. Dunn.....	\$315 76
6705	Jan. 9, 1844.	" ".....	3,823 82
8800	Jan. 31, 1845.	R. Mayhew.....	4,673 51
792	March 6, 1846.	" ".....	10,229 31
1369	Jan. 23, 1847.	" ".....	16,073 37
9691	Feb. 22, 1848.	Samuel Hannah.....	14,317 58
2537	Jan. 19, 1849.	" ".....	16,679 60
4251	Jan. 15, 1850.	" ".....	16,150 68
5786	Feb. 26, 1851.	James P. Drake.....	27,142 18
7471	July 19, 1852.	" ".....	27,466 58
8055	Feb. 22, 1853.	" ".....	24,507 89
8406	April 4, 1853.	E. Newland.....	184 70
2503	March 14, 1855.	W. R. Nofsinger.....	1,499 77
Total.....			\$163,064 75

*Quarter Per Cents.*

No.	Date of Warrant.	NAMES OF TREASURERS.	Amount.
3540	Jan. 17, 1849.	Samuel Hannah.....	\$369 79
4249	Jan. 15, 1850.	" ".....	202 75
5787	Feb. 26, 1851.	James P. Drake.....	61 92
7469	July 9, 1852.	" ".....	14 70
8059	Feb. 22, 1853.	" ".....	7 68
8404	April 4, 1853.	E. Newland.....	1 08
Total.....			\$657 92

## RECAPITULATION.

Interest allowed on 6 per cents.....	\$337,533 13
Interest allowed on 5 per cents.....	163,064 75
Interest allowed on $\frac{1}{4}$ per cents.....	657 92
Total.....	<u>\$501,255 80</u>

The committee examined very carefully the office of the Auditor of State, comparing the warrants for scrip redeemed with the reports of scrip destroyed, and find that, with two exceptions, the warrants were all based upon, and in strict conformity to the reports of treasury notes counted and destroyed by the Committee of Ways and Means. The first exception was in 1841, when an allowance was made to the Treasurer of State for the sum of \$147,700 of 6 per cent. scrip destroyed and certified to by the executive officers, in conformity with the then existing law. The last exception was in April, 1853, when the Auditor of State issued warrants to Elijah Newland, Treasurer of State, for various amounts of scrip and interest, amounting to \$2,043 12, for which



there is no other voucher than a mere memorandum, without date or signature.

The several gentlemen who made these reports of scrip counted and destroyed, and signed the certificates upon which were based the warrants of the Auditor, were as follows:

In 1843, John W. Davis, Chairman of Committee of Ways and Means.

In 1844, W. A. Bowles, Chairman of Committee of Ways and Means.

In 1845, W. Herod, Chairman of Committee of Ways and Means.

In 1846, Henry Secrest, Chairman of Committee of Ways and Means.

In 1847, Henry Secrest, Chairman of Committee of Ways and Means.

In 1848, C. L. Dunham, Chairman of Committee of Ways and Means.

In 1849, A. J. Harlan, Chairman of Committee of Ways and Means.

In 1850, S. S. Mickle, Chairman of Committee of Ways and Means.

In 1851, A. P. Willard, Chairman of Committee of Ways and Means.

In 1852, S. H. Buskirk, Chairman of Committee of Ways and Means.

In 1853, George P. Buell, Chairman of Committee of Ways and Means.

In 1855, S. Meredith, Chairman of Committee of Ways and Means.

The following errors and discrepancies were also discovered in this examination.

The report of the committee of ways and means of February 22, 1853, shows that the committee counted and destroyed the following sums, to-wit:

Six per cents.....	\$29,045
Five per cents.....	2,600
One fourth per cents .....	335

But the auditor in issuing his warrant, and making up his accounts, united the first two items and allowed the treasurer for \$31,645 of six per cents. A correction of this error would lessen the amount of six per cents reported as redeemed, and increase the amount of five per cents in the sum of \$2,600.

The report of the committee of March 3, 1855, states the amount of principal of six per cents counted and destroyed at \$11,085, and the interest at \$4,238, for which sums the auditor issued his warrants. A schedule accompanying the report shows, however, that the true amount of principal was \$9,085, and the interest

\$6,238, thus lessening the reported over redemption of six per cents in the sum of \$2,000. These amounts of \$9,085 of six per cents, and \$2,630 of five per cents reported by the committee, were destroyed without having been canceled upon the registers.

A corrected statement of the excess of redemptions, by these data, is as follows :

Six per cents.....	\$9,010
Five per cents.....	15,750
Quarter per cents.....	7,045
Total .....	<u>\$31,805</u>

After a careful examination of the registers of the auditor and treasurer, showing the number of notes registered and canceled, the committee are enabled to present the following comparative statement of treasury notes redeemed, and treasury notes canceled during the respective terms of service of Messrs. Geo. H. Dunn, Royal Mayhew, Samuel Hannah and James P. Drake, Treasurers of State, to-wit :

#### TERM OF GEO. H. DUNN, Treasurer.

##### *Six Per Cents.*

##### Amount of redemptions

1841, May 6, counted and canceled by executive officers	\$147,700
1843, Jan. 23, counted and canceled by committee of ways and means.....	398,565
1844, Jan. 9, counted and canceled by committee of ways and means.....	200,525
Total.....	<u>\$746,790</u>

##### Amount of notes registered:

1843, 7,611 notes, 50s.....	\$380,550
1843, 36,041 notes, 5s.....	180,205
1844, 134 notes, 50s.....	6,700
1844, 2,742 notes, 5s.....	13,710
1844, 3 notes, 50s.....	150
1844, 673 notes, 5s defaced.....	3,365
Notes redeemed with State bonds, treasurer's report	
Dec. 1, 1841, not registered.....	5,600
Treasury notes, first redemption, not registered.....	147,700
Total.....	<u>\$737,980</u>
Showing an excess of redemption of.....	\$8,810

*Five Per Cents.*

## Amount of redemptions:

1843, Jan. 23, allowed by committee of ways and means .....	\$46.350
1844, Jan. allowed by committee of ways and means..	91.990
Total.....	<u>\$138.340</u>

## Amount of notes registered:

1843-4, 27.696 notes, 5s.....	\$138.480
Showing an excess of 28 bills registered 5s.....	140

## RECAPITULATION.

Excess of redemptions, six per cents.....	\$8,810
Excess of registry, five per cents.....	140
Total excess of redemptions.....	<u>\$8,670</u>

## TERM OF ROYAL MAYHEW, Treasurer.

*Six Per Cents.*

## Amount of redemptions:

1845, Jan. 31, allowed by committee of ways and means.....	\$114.540
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## Amount of notes registered:

1844, 479 notes, 50s.....	\$23.950
1844, 19.066 notes, 5s.....	95.330
1 note, 50s defaced. ....	50
	<u>\$119.330</u>
Showing an excess of notes registered of.....	4.790

## Amount of redemptions:

1846, March 6, allowed by committee of ways and means .....	\$147.370
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## Amount of notes registered:

1845, 433 notes, 50s .....	21.650
1845, 24.008 notes, 5s.....	120.040
1845, 3 notes, 50s defaced.....	150

1845, 49 notes, 5s defaced.....	245
	<hr/>
	\$142.085
Showing an excess of redemption of.....	5.285
Amount of redemptions:	
1847, Jan. 23, allowed by committee of ways and means.....	\$148.510
Amount of notes registered:	
1846, 850 notes, 50s.....	42.500
1846, 21.147 notes, 5s.....	105.735
234 notes, 5s defaced.....	1.170
	<hr/>
	\$149.405
Showing an excess of notes registered of.....	895

## RECAPITULATION.

## Amount of redemptions:

In 1845.....	\$114.540
In 1846.....	147.370
In 1847.....	148.510
	<hr/>
	\$410.420

## Amount of notes registered:

In 1844.....	119.330
In 1845.....	142.085
In 1846.....	149.405
	<hr/>
	\$410.820
Showing an excess of six per cents registered of.....	400

*Five Per Cents.*

## Amount of redemptions:

1845, Jan. 31, allowed by committee of ways and means.....	\$72.405
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## Amount of notes registered:

1844, 14.530 notes, 5s.....	72.650
	<hr/>
Showing an excess of notes registered of.....	245

## Amount of redemptions :

1846, March 6, allowed by committee of ways and means.....	\$76,590
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## Amount of notes registered :

1845, 15.271 notes, 5s.....	76.355
Showing an excess of notes redeemed of.....	235

## Amount of redemptions :

1847, Jan. 23, allowed by committee of ways and means.....	\$100.320
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## Amount of notes registered :

1846, 20.175 notes, 5s.....	100.870
Showing an excess of notes registered of.....	550

## RECAPITULATION.

## Amount of redemptions :

In 1845.....	\$72.405
In 1846.....	76.590
In 1847.....	100.320
Total.....	\$249.315

## Amount of notes registered :

In 1844.....	\$72,650
In 1845.....	76,355
In 1846.....	100,870
	249,875
Showing an excess of notes registered of ....	\$560

## GENERAL RECAPITULATION.

## Amount of redemptions:

Six per cents .....	\$410,420
Five per cents.....	249,315
Total .....	659,735

## Amount of notes registered :

Six per cents .....	410,820
Five per cents.....	249,875
Total .....	<u>\$360,695</u>
Showing an excess of notes registered of.....	\$960

## TERM OF SAMUEL HANNAH, Treasurer.

*Six per cents.*

## Amount of redemptions :

1848, Feb. 22, allowed by committee of ways and means .....	\$70,580
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## Amount of notes registered :

1847, 533 notes, 50's.....	26,650
1847, 8,836 notes, 5's .....	44,180
1847, 1 note, 50, defaced .....	50
	<u>70,880</u>
Showing an excess of notes registered of.....	\$300

## Amount of redemptions:

1849, Jan. 19, allowed by committee of ways and means.....	\$62,740
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## Amount of notes registered :

1848, 459 notes, 50's.....	\$22,950
1848, 7,819 notes, 5's.....	39,095
	<u>62,045</u>
Showing an excess of redemptions of.....	\$695

## Amount of redemptions :

1850, Jan. 15, allowed by committee of ways and means .....	\$86,000
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## Amount of notes registered :

1849, 760 notes, 50's .....	38,000
1849, 9,109 notes, 5's .....	45,545
1849, 34 notes, 50's defaced .....	1,700
1849, 8 notes, 5's defaced .....	40
	<hr/>
	85,285
Showing an excess of redemptions of .....	\$715

## RECAPITULATION.

## Amount of notes redeemed :

1848 .....	\$70,580
1849 .....	62,740
1850 .....	86,000
	<hr/>
Total ....	\$219,320

## Amount of notes registered :

1847 .....	70,880
1848 .....	62,045
1849 .....	85,285
	<hr/>
Total ...	\$218,210

Showing an excess of redemptions of 6 per cents of \$1,110

*Five per cents.*

## Amount of notes redeemed :

1848, Feb. 22, allowed by committee..... \$56,400

## Amount of notes registered :

1847, 11,367 notes, 5's .....

	\$56,835
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Showing an excess of notes registered of..... \$435

## Amount of notes redeemed :

1849, Jan. 19, allowed by committee..... \$56,350

## Amount of notes registered :

1848, 7,411 notes, 5's .....

	37,055
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Showing an excess of redemptions of..... 19,295

## Amount of redemptions:

1850, Jan. 15, allowed by committee of ways and means .....	46,410
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## Amount of notes registered:

1849, 13,051 notes, 5's .....	65,255
Showing an excess of notes registered of .....	18,845

## RECAPITULATION.

## Amount of redemptions:

In 1848 .....	\$56,400
In 1849 .....	56,350
In 1850 .....	46,410
Total .....	<hr/> 159,160

## Amount of notes registered :

In 1847 .....	\$56,835
In 1848 .....	37,055
In 1849 .....	65,255
Total .....	<hr/> \$159,145
Showing an excess of redemptions of .....	\$15

## GENERAL RECAPITULATION.

Six per cents redeemed .....	\$219,320
Five per cents redeemed .....	159,160
Total .....	<hr/> 378,480
Six per cents registered .....	218,210
Five per cents registered .....	159,145
	<hr/> 377,355
Showing an excess of notes redeemed of .....	\$1,125

## TERM OF JAMES P. DRAKE, Treasurer.

*Six per cents.*

## Amount of redemptions:

1851, Feb. 26, allowed by committee.....	\$64,755
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## Amount of notes registered:

1850, 568 notes, 50s .....	28,400
1850, 7,186 notes, 5s .....	35,930
1850, 70 notes, 5s defaced .....	350
	<hr/>
	64,680

Showing an excess of redemptions of.....	\$75
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## Amount of redemptions:

1852, July 9, allowed by committee .....	27,535
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## Amount of notes registered:

1851, 196 notes, 50s.....	9,800
1851, 3,512 notes, 5s.....	17,560
	<hr/>
	27,360

Showing an excess of redemptions of.....	\$175
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## Amount of redemptions:

1853, Feb. 22, allowed by committee.....	\$31,645
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## Amount of notes registered:

1852, 249 notes, 50s.....	\$12,450
" 3,174 notes, 5s.....	15,870
" 25 notes, 5s, defaced.. ..	125
" 1 note, 50s, defaced.....	50
	<hr/>
	\$28,495

Add for error of auditor, Feb. 22, 1853, in including 5 per cents in warrants.....	2,600
	<hr/>
	\$31,095

Showing an excess of redemption of.....	550
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## RECAPITULATION.

## Amount of redemptions :

1851, allowed by committee.....	\$61.755
1852, allowed by committee.....	27.535
1853, allowed by committee, 31.645—2.600=29.045 [Error above corrected.]...	29.045
	<hr/> \$121.335

## Amount of notes registered :

1850 .....	\$64.680
1851 .....	27.360
1852 .....	28.495
	<hr/> \$120.535

Showing an excess of redemptions of..... 800

*Five Per Cents.*

## Amount of notes redeemed :

1851, Feb. 26, allowed by committee.....	\$72.335
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## Amount of notes registered :

1850, 11.547 notes, 5s.....	57.735
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Showing an excess of redemptions of..... \$14.600

## Amount of notes redeemed :

1852, July 9, allowed by committee.....	\$63.925
1851, notes registered.....	63.265

Showing an excess of redemptions of..... 660

## Amount of notes redeemed :

1853, Feb. 22, allowed by committee.....	\$49.485
Erroneously credited to six per cents.....	2.600

Total.....	\$52.085
1852 amount of notes registered.....	51.810

Showing an excess of redemptions of..... 275

## RECAPITULATION.

1851, notes redeemed .....	\$72.335
1852, notes redeemed...	63.925
1852, notes redeemed.....	52.085
	<hr/>
Total.....	\$188.345
1850, notes registered.....	\$57.735
1851, notes registered.....	63.265
1852, notes registered.....	51.810
	<hr/>
Total .....	172.810
	<hr/>
Showing an excess of five per cents redeemed....	\$15.535

## GENERAL RECAPITULATION.

Six per cents allowed by committee.....	\$121.435
Five per cents allowed by committee.....	188 345
	<hr/>
Total .....	\$409.680
Six per cents registered.....	120.535
Five per cents registered.....	172 810
	<hr/>
Total .....	293.345
	<hr/>
Total excess of redemptions.....	16.335

## TERM OF SAMUEL HANNAH, Treasurer.

*Quarter Per Cent. Treasurer Notes.*

1848, Feb. 22, allowed by committee.....	\$28.750
1849, Jan. 19, allowed by committee.....	31.565
1850, Jan. 15, allowed by committee.....	12.165
	<hr/>
	\$72.480

Amount of notes registered:

1848, new notes destroyed.....	\$28.750
1850, notes registered.....	44.280
	<hr/>
	73.030
	<hr/>
Excess of notes registered.....	\$550

## TERM OF JAMES P. DRAKE, Treasurer.

1851-2, allowed by committee.....	\$4,470
1851-2, notes registered.....	4,465
	<hr/>
Excess of notes redeemed.....	\$5

## RECAPITULATION.

## Amount of notes redeemed:

By Samuel Hannah.....	\$72,480
By James P. Drake.....	4,470
By E. Newland, not registered.....	45
In hands of present Treasurer.....	50
	<hr/>
Total.....	\$77,045

## Amount of notes registered:

By Geo. H. Dunn.....	\$2,315
By R. Mayhew.....	1,005
By S. Hannah.....	44,280
By James P. Drake.....	4,465
Add new bills destroyed unregistered.....	28,750
	<hr/>
	80,805

Showing an excess of registered notes of..... \$3,760

The notes registered by G. H. Dunn, were evidently again put in circulation, as was the custom, and those registered by R. Mayhew were defaced notes, and were reported by the committee as six per cents. Deduct these, amounting to \$3,310, and the excess of registry is \$450.

The foregoing statements embrace all the facts to be derived from the books of the Auditor's and Treasurer's offices. They show in brief, the authority under which the notes were issued, the amount of issue, the several amounts reported as redeemed by the Treasurers of State, and allowed them by the proper authorities, the amount of interest allowed, and the amount of notes canceled upon the registers, compared with the amounts certified to by the committees of ways and means. They establish also, the important and astounding fact, that in some mysterious manner, either through negligence or design, the State has been defrauded of various sums, amounting in the aggregate, so far as ascertained, to \$31,805. Through whom and in what manner this loss accrued to the treasury, it has been the object of this investigation to determine, and upon this point the committee proceed to



give such conclusions as the facts elicited in the examination suggest.

### *Six Per Cents.*

The over redemption of these notes amount to the sum of \$9,010. The committee are satisfied, upon examination of the registers of cancellation, that there was no over issue of this description of notes. A few duplicate entries are made upon the books, but they are evidently clerical errors, and those so limited in number, as to furnish corroborative evidence of the general accuracy of the account of notes issued. No note of a higher number than those registered at the date of the issue, has yet made its appearance, and no actual duplicates, in the opinion of the committee, have ever existed.

If the foregoing conclusions are correct, it follows that there could be no over redemption, as the treasurers of State could not redeem a larger amount than the books show to have been issued. The error then could only be occasioned by the committee of ways and means, in miscounting and making a larger allowance for notes redeemed and destroyed than were actually so redeemed. Either this is the fact, or the reverse is true, that by collusion between the auditor and treasurer of State, the treasury was defrauded by an over issue—an hypothesis which the high character of those gentlemen, and the facts above referred to in regard to duplicates, prevent the committee from entertaining.

Without therefore, imputing any intentional dishonesty to any party connected with these transactions, the committee are forced to the former conclusion, that the loss has been occasioned through the negligence or error of the executive officers, in their first allowance for notes canceled, or to some one or more of some subsequent committee of ways and means. As the first named sum of \$147,700 allowed to Geo. H. Dunn, by the executive officers, had never been canceled upon the registers, it is barely possible that some of the notes for which he was credited, were again put in circulation. But this is mere conjecture.

To what particular or specific period can the error be traced? And here, the committee have no guide to enable them to determine this question, but the registers of cancellation. It was evidently the intention of the framers of the law providing for the issue and cancellation of treasury notes, to make the cancellation of each separate note an evidence or voucher for its redemption. And if no errors were committed, this would be the highest and best evidence that could be obtained. Taking this for our guide, there would be no difficulty in fixing the responsibility for the error, as the principal discrepancy between the amount of notes canceled and notes redeemed, occurred during the term of Geo. H. Dunn, amounting to the sum of \$8,810. If, however, this registration is not to be taken as a guide, the committee have no

means of determining where the responsibility of the loss should fall. They content themselves with a presentation of the facts of the case to the House, leaving them to form such conclusions as may seem just and proper.

*Five per cents.*

The amount of over redemptions of this description of notes is \$15,750.

By a report from the office of the sinking fund, hereto appended, it appears that of the \$722,640 of notes issued, the sum of \$590,915 was redeemed through the sinking fund office, and the sum of \$80,000 was redeemed from the State Bank, under "an act to provide for the reduction of the State and individual stock in the State Bank, and for other purposes;" approved Feb. 2, 1843. This would leave the sum of \$51,725 to be redeemed through other sources.

During the term of Mr. Geo. H. Dunn, it appears that	
he received from the sinking fund in 1842, the sum	
of .....	\$46,350
In 1843, to close of term.....	11,885
Redeemed of State Bank.....	80,000

Total.....	<u>\$138,235</u>
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During the same period he was allowed by the committee of ways and means \$138,340, while the amount of notes registered was \$138,480.

The amount of notes registered, and of notes canceled by the committee, are so nearly equal, as to show the general accuracy of the statement, and this accuracy is confirmed by the manner in which the receipt of the notes by the Treasurer is accounted for.

The memorandum of funds of various kinds transferred to his successor, contains no mention of this description of notes, and as when paid into the treasury for revenue, or other purposes outside of the sinking fund, they were used as currency, and again put in circulation by the treasurer, it is highly probable that no such notes remained in his hands, or were so transferred. It is reasonable, therefore, to infer that when Mr. Mayhew entered upon the duties of his office of Treasurer of State, in Feb. 1844, there were no five per cent. notes in his hands.

During his term of service, he received of these notes from the sinking fund as follows :

In 1844.....	\$72,390
In 1845.....	76,590
In 1846.....	100,310
Total.....	<u>\$249,290</u>

In the same time, he was allowed for notes redeemed and canceled by the committee of ways and means as follows:

In 1844.....	\$72,405
In 1845.....	76,590
In 1846.....	100,320
<b>Total.....</b>	<b>\$249,315</b>

The notes registered in the mean time, were \$249,875, thus showing that the notes destroyed and allowed for to the Treasurer, were simply those received through the sinking fund. At the close of his term, he handed over to his successor, Samuel Hannah, Esq., the sum of \$10,945 in these notes.

Mr. Hannah's receipts from the sinking fund, of five per cents, were as follows;

In 1847.....	\$55,660
In 1848.....	57,200
In 1849.....	43,025
<b>Total.....</b>	<b>\$155,885</b>

He was allowed by the committee on ways and means, as follows:

In 1847.....	\$56,400
In 1848.....	56,350
In 1849.....	46,410
<b>Total.....</b>	<b>\$159,160</b>

During the same period, his registry of canceled notes amounted to \$159,145, thus showing that the committee on ways and means allowed to him all the notes received from the sinking fund, and \$3,275 received from other sources.

From a receipt of James P. Drake to Samuel Hannah, it appears that the latter, on the expiration of his office, delivered to the former the sum of \$31,000 in these notes. This sum was made up as follows:

Balance of notes received of Mayhew.....	\$7,670
Received for revenue, &c.....	23,330
<b>Total.....</b>	<b>\$31,000</b>

Mr. Drake therefore in coming into office was placed in possession of these notes to the amount of.....	\$31,000
He received from sinking fund in 1850.....	46,030
He received from sinking fund in 1851.....	41,265
He received from sinking fund in 1852.....	40,210
<b>Total.....</b>	<b>\$158,505</b>

He was allowed by the committee:

For 1850 . . . . .	\$72.335
For 1851 . . . . .	63.025
For 1852 . . . . .	52.085
Total . . . . .	<u>\$188.345</u>

For the same time, the notes registered by him, amounted to \$172.810.

Thus, if the notes registered by him were the correct amount of notes destroyed, to-wit: \$172.810, it would show that he received during his term, \$14.305 from other sources than the sinking fund.

We make a summary upon this basis:

Notes received from the sinking fund . . . . .	\$590.015
Notes redeemed of State bank by Dunn . . . . .	80.000
Notes received of Mayhew destroyed in Hannah's time . . . . .	3.275
Notes delivered by Hannah to Drake . . . . .	31.000
Notes received by Drake as revenue, &c . . . . .	14 305
Notes allowed E. Newland, treasurer . . . . .	355
Notes allowed W. R. Nofsinger, treasurer . . . . .	2 630
Notes in hands of present treasurer . . . . .	2 15
Total . . . . .	<u>\$722.725</u>

In this manner, the whole amount of notes issued is accounted for, and a fraction over, taking Gen. Drake's register of cancellation as the basis of calculation. The difference between the amount registered and the amount allowed by the committee, is \$15 535, or \$215 less than the amount of loss to the State. The same reasoning will apply in this case as in that of the six per cents.

An accompanying schedule shows the amount of five per cents, redeemed through the office of the sinking fund.

### *Quarter Per Cents.*

The whole amount of paper procured from the engraver for the issue of these notes was \$200,000. with a few extra sheets, usually added, to made up any deficiency. The committee of ways and means, in their examination of the treasurer's office, at the session of 1851-2, found therein unsigned sheets of this description of scrip amounting to the sum of \$101,100, which they reported in their schedule, and destroyed. They also found \$300,000 in sheets signed only by the Auditor of State, which they also reported and destroyed. This left a balance of \$70,000, which sum the books of the auditor and treasurer show to have been prepared and placed in the hands of the treasurer for circulation. Of this

\$70,000, the sum of \$41,250 only, was actually used by the treasurer in the redemption of fifty dollar treasury notes. The overplus, \$28,750, was put up in packages, kept in the vaults of the treasury, transmitted by Mr. Dunn to Mr. Mayhew, by Mr. Mayhew to Mr. Hannah, and by him delivered to the committee of ways and means, in January, 1848, and, as they certify, was counted and destroyed. The testimony of Messrs. Mayhew and Hannah, and of Mr. J. D. Ferguson, the clerk of the committee in 1847-8, is to the effect that in cases of the transfer, the bills were actually counted and found to be correct.

During the term of Mr. Dunn \$2,305 of these notes were canceled upon the register, but again put in circulation, as was the custom, the treasurer not being allowed therefor. In Mr. Mayhew's term \$1,005 were canceled, being mostly defaced or altered notes. The principal redemption of quarter per cents was during the term of Mr. Hannah, who registered the sum of \$44,280, and was allowed by the committee of ways and means the sum of \$43,730. In cancelling the notes upon the register, it was found that there were a large number of genuine notes, duplicates in number, amounting to several thousand dollars. These were generally of consecutive numbers, from one hundred to two or three hundred in a place. It was thought at the time to be simply an error in numbering, and that there probably was an over issue.

In 1850 the Auditor of State, Dr. E. W. H. Ellis, discovered from a comparison of the amount of notes issued with those redeemed, that a fraud had been practised upon the State, and immediately he called the attention of the legislature to the subject. So far as ascertained, this fraudulent issue amounts to the sum of \$7,045.

The committee have carefully examined this subject, in all its bearings, have scrutinized closely the books and vouchers of the officers, and have taken their testimony and that of the clerk of the committee of ways and means, and the statement of Messrs. Dunham and Bryant, who were members of that committee at the time of the first destruction of these notes. From all the evidence thus obtained, they arrive at the following conclusions:

*First.* That as the notes were first signed and partially filled up by the auditor, and then delivered to the treasurer to be completed by him and circulated, there could not be an over issue, or duplicate issue, without the collusion of those officers.

*Second.* That the engraved paper was all accounted for by the committee of ways and means, without making any allowance for this duplicate paper.

*Third.* That the loss cannot be accounted for on the supposition that the paper redeemed and registered by the treasurer, and allowed by the committee, was again put in circulation, because the officers had these duplicates in hundreds of instances at the same time. The consecutive order in which the duplicates appeared is also against this supposition.



*Fourth.* That it does not appear that any officer of the State is accountable for, or was benefitted by the success of this fraud, and the committee are unable to fasten a shadow of suspicion upon any other individual.

*Fifth.* That after the packages of \$28,750 of unissued bills were counted by the committee of ways and means, if they were in fact so counted, some of the bills were abstracted by some one familiar with the books of the registry, altered by the erasure of a figure, and put in circulation. The figure 1 (one) only would require to be erased to bring the numbers within the range of those properly and legally issued, and thus suspicion would be eluded until it should be too late to detect the perpetrator of the fraud. The facility with which this could be done was shown in the case of the change of quarter per cents to six per cents, about the period referred to. Obscure and uncertain as is even this hypothesis, is the most plausible to which the committee have been able to arrive.

Accompanying the report will be found various documents, which serve to throw some light upon this intricate and perplexing case.

Respectfully submitted,

S. MEREDITH,  
SAMUEL H. BUSKIRK,  
H. C. NEWCOMB.

*STATEMENT of Payments of Bank Scrip made to Treasurer of State as per receipts and quietus, and on file.*

Date.	TO WHOM PAID.	Principal.	Interest.
Dec. 6, 1842.	To G. H. Dunn, Treasurer .....	\$2,555 00	\$2 15
Dec. 16, "	do do do .....	46,300 00	315 76
March 7, 1843.	do do do .....	9,300 00	153 91
Feb. 23, 1844.	To H. J. Harris, Auditor .....	27,695 00	1,290 16
Sept. 3, "	do do do .....	44,695 00	3,382 35
Dec. 3, "	do do do .....	24,765 00	2,901 81
Feb. 19, 1845.	do do do .....	9,170 00	1,186 44
March 22, "	do do do .....	12,395 00	1,665 19
June 20, "	do do do .....	12,805 00	1,756 69
Sept. 2, "	do do do .....	17,455 00	2,719 18
Nov. 9, "	do do do .....	6,065 00	962 79
Dec. 2, "	do do do .....	25,230 00	2,949 46
Jan. 12, 1846.	do do do .....	8,550 00	777 03
Feb. 7, "	do do do .....	5,300 00	924 14
March 6, "	do do do .....	17,735 00	3,208 10
April 23, "	do do do .....	1,845 00	356 54
May 9, "	do do do .....	1,030 00	194 18
July 10, "	do do do .....	2,075 00	419 45
June 3, "	To R. Mayhew, Treasurer .....	4,895 00	636 97
Aug. 4, "	To H. J. Harris, Auditor .....	2,085 00	418 53
Sept. 15, "	do do do .....	11,270 00	2,197 01
Oct. 10, "	do do do .....	1,325 00	238 45
Nov. 5, "	do do do .....	1,290 00	282 28
Dec. 8, "	do do do .....	11,595 00	2,527 64
March 10, 1847.	To D. Maguire, Auditor .....	10,670 00	2,473 87
March 10, "	do do do .....	275 00	61 69
March 10, "	do do do .....	9,855 00	2,285 71
April 6, "	do do do .....	535 00	131 76
May 5, "	do do do .....	300 00	71 00
June 12, "	do do do .....	14,020 00	3,442 74



*STATEMENT of Payments of Bank Scrip made to the Treasurer of State as per receipts and quietus on file.—Continued.*

Date.	TO WHOM PAID.	Principal.	Interest.
July 10, 1847.	To D. Maguire, Auditor .....	\$1,895 00	\$489 32
Aug. 5, "	do do do .....	2 040 00	529 74
Sept. 13, "	do do do .....	16,040 00	4,150 08
Oct. 20, "	do do do .....	1,805 00	481 03
Nov. 2, "	do do do .....	890 00	241 95
Dec. 18, "	do do do .....	11,745 00	3,274 59
Jan. 11, 1848.	do do do .....	4,160 00	1,176 45
Feb. 12, "	do do do .....	1,760 00	492 11
March 7, "	do do do .....	14,160 00	4,071 65
March 29, "	do do do .....	2,436 00	697 62
May 5, "	do do do .....	405 00	119 10
June 12, "	do do do .....	5,620 00	1,685 28
July 8, "	do do do .....	770 00	234 73
Aug. 8, "	do do do .....	2,270 00	701 54
Sept. 23, 1848.	do do do .....	9,340 00	2,920 01
Oct. 30, "	do do do .....	825 00	255 77
Nov. 9, "	do do do .....	1,020 00	329 60
Jan. 6, 1849.	do do do .....	10,295 00	3,342 93
Jan. 6, "	do do do .....	1,255 00	406 84
Feb. 7, "	do do do .....	655 00	216 47
March 21, "	do do do .....	10,895 00	3,657 90
April 25, "	do do do .....	1,105 00	371 80
May 10, "	do do do .....	135 00	46 95
June 8, "	do do do .....	5,180 00	1,737 31
July 10, "	do do do .....	1,315 08	464 49
Aug. 11, "	do do do .....	660 00	234 20
Sept. 10, "	do do do .....	9,865 00	3,609 42
Oct. 6, "	do do do .....	1,245 00	445 92
Nov. 10, "	do do do .....	420 00	150 99
Feb. 25, 1850.	To E. W. H. Ellis, Auditor .....	9,530 00	3,535 81
Feb. 25, 1850	do do do .....	2,535 00	943 87
Feb. 25, "	do do do .....	230 00	86 25
May 14, "	do do do .....	9,855 00	3,804 58
May 14, "	do do do .....	40 00	15 14
May 14, "	do do do .....	1,475 00	571 04
Aug. 10, "	do do do .....	6,475 00	2,563 35
Aug. 10, "	do do do .....	50 00	19 82
Aug. 10, "	do do do .....	585 00	233 36
Oct. 22, "	do do do .....	1,395 00	570 45
Oct. 30, "	do do do .....	7,665 00	3,113 34
Nov. 8, "	do do do .....	135 00	55 86
Dec. 17, "	do do do .....	6,060 00	2,569 45
Jan. 15, 1851.	do do do .....	930 00	392 36
Feb. 12, "	do do do .....	15 00	6 15
March 20, "	do do do .....	15,870 00	6,881 09
April 14, "	do do do .....	105 00	43 96
May 20, "	do do do .....	10 00	4 30
July 15, "	do do do .....	5,235 00	2,309 69
Aug. 8, "	do do do .....	105 00	43 14
Sept. 16, "	do do do .....	9,465 00	4,358 09
Dec. 26, "	do do do .....	9,530 00	4,496 64
March 10, 1852.	do do do .....	9,090 00	4,364 57
June 12, "	do do do .....	8,020 00	3,921 96
July 26, "	do do do .....	5 00	2 50
Sept. 8, "	do do do .....	6,635 00	3,359 10
Nov. 9, "	do do do .....	5 00	2 60
Nov. 1, "	do do do .....	16,100 00	8,314 97
Jan. 19, 1853.	do do do .....	355 00	184 70
Geo. H. Dunn, Treasurer, receipts of Dec. 6, 1842, paid to him under act of Feb. 6, 1841, is not included in "canceled note account," being....		\$590,915 00	133,187 21
		2,555 00	2 15
Leaving amount canceled .....		\$588,360 00	133,185 06

JAMES M. RAY, *Clerk.*

OFFICE OF SINKING FUND,  
Indianapolis, Jan. 16, 1857. }

## STATEMENT OF ROYAL MAYHEW.

I was Treasurer of State from February 14, 1844, to February 1847. I received of G. H. Dunn, former treasurer, several packages of quarter per cent. treasury notes, marked as containing the sum of \$28,750. They were wrapped up, not sealed, but each package marked with the amount contained within. My recollection is, that I merely examined the upper and lower bills in each package, to see that they were correct, and then receipted for the amount without counting. I think these packages were never distributed, or opened during my administration, until I passed them over to my successor, Samuel Hannah. They were then counted, according to the best of my recollection, and receipted for by him to me. Jeremiah Foote was clerk in the office during the last year of Mr. Dunn's term, and most of the time during the first year of my term. I had also a clerk, a portion of the time, my son Oscar, but kept no regular clerk. There were no duplicate numbers of this scrip discovered during my term. The scrip received by me, of this kind, was not canceled upon the register, but was paid out under the laws for school and other funds, the same as money, the amount remaining in my hands at the close of my term being passed over to my successor.

During this time, I discovered that some of the quarter per cent notes had been changed to six per cents. by erasing the name of "Geo. H. Dunn," as treasurer, and the insertion of the name of "N. B. Palmer;" also, by erasing the words "one quarter of one per cent. per annum," and inserting the words "six per cent. per annum." The number had also, in some cases been changed, by the addition of a figure. These were canceled until the discovery was made, and, I think, afterwards, on the six per cent. registers, and, I think, that nearly all the duplicates entered on the six per cent. registers, were of these quarter per cents, and that there was not an issue of duplicate six per cents.

Witness my hand this, 29th Dec., 1856.

ROYAL MAYHEW.

## STATEMENT OF SAMUEL HANNAH.

INDIANAPOLIS, Feb. 4th, 1857.

E. W. H. ELLIS, Esq.,

*Clerk of the Committee:*

DEAR SIR:—In reply to the interrogatories stated in yours of the 2d, I answer:

*First*—The quarter per cent. scrip in packages, to which you allude, which I received of Mr. Mayhew, according to my recollection, was counted to me by the package as endorsed upon them. Mr. Mayhew informed me he received it in that way from Mr. Dunn. I soon afterwards counted it myself and found it correct; a part of it was in sheets not cut, and the balance put up in \$500 and \$1,000 bunches, in consecutive numbers. The committee of ways and means counted it specially at the time it was burned. They (viz: the committee) came to the treasurer's office and counted the scrip and put it up in \$500 and \$1,000 packs, after having punched one or more holes through the paper with a large punch. It was then put away in the vault until all was done, ready to destroy. The chairman, with some other members of the committee, then counted out the packages from the vault, and their clerk checked them off his memorandum, it was then taken away and burnt.

I have no knowledge relative to the issue or over issue of any description of State scrip, there being none issued in my time. Before my time very little of the quarter per cents had been canceled, and I soon found, when selecting them to cancel, that there was duplicate numbers. But how it came to be so I could never find out.

The scrip delivered by me to Gen. Drake had not been canceled on the register, before such delivery. All the scrip in my possession, that was canceled on the registers, was delivered to the committee of ways and means at the session of 1849, and by them counted, canceled and destroyed. It was canceled on the register by the auditor and myself, previous to the meeting of the legislature in 1849, and that paid to Gen. Drake was received after such cancellation.

Yours truly,  
SAMUEL HANNAH.

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## STATEMENT OF JAMES P. DRAKE.

INDIANAPOLIS, February 18, 1857.

*To the Committee of Investigation :*

GENTLEMEN :—While I was Treasurer of State, a very large amount of treasury notes was received by me, canceled, handed over to the committee of ways and means, who counted the same, took charge of the key of the safe, and burned the same in my presence. They then gave me a certificate for the amount so destroyed, on which certificate I drew a warrant from the Auditor

of State, and gave myself credit on the books of the treasury for the amount so drawn.

Our mode of cancelling was to take a large package, enter the numbers on sheets of paper; I then called out the numbers to the Auditor of State, and to my clerk, and they entered all such notes on the books of the auditor and treasurer as canceled

If there was any omission to make such entry, I cannot account for it; and when we take into consideration the fact that I only received credit for the amount actually burned, you must be aware that the treasury could not suffer therefrom.

In the first year of my term of service, I called the attention of the committee of ways and means, to the fact that there appeared to be a number of duplicates, and asked their advice on the subject, when his excellency, the present Governor, was chairman of that committee. Subsequently, when one of your honors was chairman of the committee, I made a like statement of facts, which I doubt not you will well remember. And, although the then Auditor of State (Dr. Ellis) the committee and myself, investigated the subject, we were unable to detect the discrepancy or fraud.

I hope that with your present efforts you will be able to make a discovery of the deficiency, which has hitherto wholly failed.

I have the honor to be,

Very respectfully,

Your obedient servant,

JAMES P. DRAKE,

*Late Treasurer of State.*

HON. S. MEREDITH,

*Chairman of Committee.*

## STATEMENT OF J. R. M. BRYANT.

*To Solomon Meredith Esq:*

DEAR SIR: I have had a conversation with Dr. E. W. H. Ellis, in reference to the action of the committee of ways and means of the House of Representatives at the session of 1847-8, in counting and destroying the State scrip which had been received at the treasurer's office, and he desired me to communicate to you in writing, such facts as my memory has preserved in regard to it. I have a distinct recollection of the larger part of that committee meeting night after night at the treasurer's office for the purpose of counting the scrip. With few individual exceptions, it was the most industrious committee I ever served with. I think all the members of the committee, with the exception of Mr. Stanton, whose health was precarious, were engaged in counting, and some

of them until the examination was concluded. I have a distinct recollection of Mr. Dunham, Mr. Lane, Mr. Short and myself, being engaged nightly at it from the commencement. I recollect, also, that we determined to take nothing on trust, but to examine and count every package presented to us. I entertain no doubt now, that this was done, but it is impossible to specify any particular bundle or class of bills as being so counted. I recollect very well some of the 5's being altered to 50's, and that our attention was called to it by Mr. Hannah the treasurer. The scrip, as counted, was put into a large clothes basket, and left in the treasurer's office. Mr. John D. Ferguson was the clerk of the committee, and made out an abstract of the scrip, classifying it, and exhibiting the interest which had accrued upon it. After this was done, the clothes basket containing the scrip, was carried into the State House yard; nearly all, if not all of the members of the committee being present, as also the treasurer, and the scrip burned in a fire kindled immediately west of the State House; other members of the House being also present. The clerk of the committee, Mr. Ferguson, was occupied during the day time, at the treasurer's office. I have no recollection that the committee ever attended there during the sittings of the House, but only in the evening. Dr. Ellis has called my attention specially, to sundry packages of quarter per cent. scrip, said never to have been in circulation, and which are included in the report of the committee as being counted and destroyed, and desired to know whether these not having been circulated, and afterwards returned to the treasury, had been counted by the committee, or whether, under the circumstances, they were assumed to be correct, and so destroyed. I cannot state anything specific in regard to them, but from the action of the committee, which examined carefully and particularly everything presented to them, I have no doubt, whatever, that these bundles were so counted, and the report made by the committee would seem to indicate that these bundles also underwent the examination of Mr. Ferguson, the clerk, as he prepared the tables which are appended to it; in fact, the report of the committee states that they were counted, and I have no reason to doubt that it was done.

This is the extent of my recollection of the action of the committee.

Respectfully your ob't servant,  
JAMES R. M. BRYANT.

## LETTER OF CLERK.

INDIANAPOLIS, Jan. 22, 1857.

J. D. FERGUSON, Esq.,

*Dear Sir* :—It appears from the records of the House of Representatives, that at the session of 1847–8, you were acting in the capacity of clerk of the committee of ways and means. At that session a large amount of scrip of various descriptions was counted and destroyed by the committee, as exhibited in their report. It is not expected that the committee, individually, could be cognizant of all the facts in the case, or could personally count and cancel the scrip in the office of the Treasurer of State.

You are therefore desired to respond to the following inquiries, for the use of the committee appointed to investigate the alleged over issue of treasury notes, to-wit :

*First*—How was the scrip in the office of the treasurer counted and canceled, and by whom ?

*Second*—What length of time was occupied in counting and cancelling, and in whose possession were the notes left after such counting ?

*Third*—Do you recollect anything in regard to six packages of quarter per cent. scrip, reported as containing \$28,750, which had not been put in circulation, and which are returned as counted and canceled by the committee ?

*Fourth*—Were the bills in such packages counted by you or by any of the committee, or were they set down at the amounts stated upon the envelopes, without counting ?

*Fifth*—After being counted by you or by the committee, were the packages left in such condition that any portion of them could be abstracted and again put in circulation ?

Respectfully,

E. W. H. ELLIS,

*Clerk of Committee.*

## REPLY OF J. D. FERGUSON.

INDIANAPOLIS, Jan. 22, 1857.

E. W. H. ELLIS,

*Clerk of Committee :*

DEAR SIR :—In reply to your note of this date, I make the following statement in answer to the several questions propounded :



*First*—The scrip in the office of the treasurer of State, reported by the committee of ways and means at the session of 1847-8 as having been counted and destroyed, was counted by me as their clerk, at the treasurer's office.

Mr. Hannah, the treasurer, furnished the scrip to be counted, usually placing as much on the table as could probably counted in a half day—arranged in bundles, with the amount contained in each, marked on the envelope. When I counted a bundle through and ascertained the amount it contained, I mutilated it by driving a large iron punch through it, laying the bundle on a wooden block prepared for that purpose.

No package, that I am aware of, ever went out of my sight or possession, after counting, without being mutilated in this manner.

*Second*—I cannot state accurately, how long I was engaged in counting the scrip, but to the best of my recollection, I was some two or three weeks. After I had counted and mutilated a bundle or number of bundles, and placed them on my list as having been counted, they were handed back to the treasurer for safe keeping until the committee could examine or destroy them.

*Third*—I recollect the six packages containing \$28,750, as appears from the report of the committee. My impression is, they were new bills, without having any marks of having been in circulation, but of this I cannot be positive. I know that I counted a good many packages of bills that had no appearance of ever having been in circulation, but am not certain that it was the six packages above referred to.

*Fourth*—I am confident that I counted the packages above referred to, containing the \$28,750, and I think I have the original memorandum at home among my papers, that I made at the time.

*Fifth*—After I had counted and set down the amounts of the several packages, as I before stated, I mutilated them before giving them back to the treasurer, and the punch I used, made a hole through each bill some quarter or half inch in diameter. Nor do I think a single bill or package was ever set down by me upon the list I had while counting, without first being mutilated.

I will state generally, that I was engaged for some time, in the day time, counting and cancelling the scrip. It was my understanding when I commenced, that the committee would count it over after I had gone through with it. I understood they counted a portion of it, but cannot say whether they counted all of it or not. I do not think they did. I think they examined the endorsement on the package and placed them in a basket, and they were then taken over to the State house yard and consumed by a fire in the open air.

I do not remember at what period of the session that I commenced acting as clerk to the committee, but from the time I commenced, I continued regularly in the matter until within a few days before the close of the session. A part of my time was

spent in examining the books and vouchers in the auditor's office, but the principal portion of it was in counting the scrip.

The foregoing is about all I now remember connected with the matter.

Very respectfully, &c.,

JNO. D. FERGUSON.

## STATEMENT OF S. H. BUSKIRK.

HON. S. MEREDITH,

*Chairman of Committee.*

SIR:—I was chairman of the committee of ways and means during the session of 1851-2. In consequence of the unusually large amount of business to be transacted, two additional members were added to the committee. The entire committee were present when the scrip was counted in the Treasurer's office. When the Treasurer furnished a package of treasury notes, it was divided out among the members of the committee, and counted by them. If the count was found to agree with the endorsement on the package, it was passed as correct, but in case of disagreement, the bills were re-counted by the committee until all were satisfied with its correctness. When so counted, the amount was reported to the clerk of the committee, who kept a statement of the scrip as counted. Most of the packages were mutilated by the committee by the punching of holes through them. While the committee were engaged in counting the scrip, the key of the safe was carried by some member or the clerk. When the committee ceased counting, the scrip was put in the safe and the key carried as above stated,

When the scrip was all counted, it was taken to the State House yard and burned in the presence of the whole committee, and the Auditor and Treasurer of State, except a small portion which was burned in the yard behind the Treasurer's office.

The report of the committee of that year shows the date, number and amount of the various kinds of treasury notes, which will enable any one to ascertain whether the report of the committee agrees with the registration of the Auditor and Treasurer of State.

Had this course been uniformly pursued, there would have been but little difficulty in detecting any error, or exposing any fraud that might have been committed.

Respectfully,

SAMUEL H. BUSKIRK.

## STATEMENT OF A. P. WILLARD.

EXECUTIVE DEPARTMENT,  
Indianapolis, Feb. 23, 1857. }

HON. S. MEREDITH,

*Chairman of Committee:*

SIR: In answer to interrogatories propounded by Dr. Ellis, your clerk, I have to state, that at the session of the General Assembly of 1850-1, I occupied the position of chairman of the Committee of ways and means of the House. Among other duties, the committee were charged with the counting and destroying of a very large amount of treasury notes of various descriptions. The committee labored industriously in this matter, taking into their possession the keys of the Treasurer's vault—counting the packages accurately, marking the several amounts therein, and finally destroying them by burning, in the presence of the committee, the Treasurer and Auditor of State. The amount so counted and destroyed, was duly certified in the report of the committee to the House, of the correctness of which, I was at the time entirely satisfied, and at this period entertain no doubt.

Very respectfully,

ASHBEL P. WILLARD.

POSTSCRIPT.—On further examination of the Auditor's office, it appears that the notes returned by Hon. E. Newland, and for which he was allowed, are now on file, awaiting the action of the committee of ways and means. This fact entirely exonerates Dr. Newland from all blame in the whole transaction.

E. W. H. ELLIS,

*Clerk of Committee.*

On motion by Mr. Grose,

The report was laid on the table, and five hundred copies ordered to be printed.

House bill No. 46. A bill for the improvement of agriculture, and to enable persons owning overflowed or swamp lands to drain the same.

Was taken up.

The question being, shall the bill be recommitted to the committee on agriculture, with the pending instructions?

Mr. Clapp moved a call of the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was agreed to.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Allen, Austin, Ballenger, Batterton, Bethell, Blake, Boyd, Branham, Brown, Carnahan, Clapp, Clark, Colgrove, Conner of Hamilton, Conner of Wabash, Davis of Hendricks, Dobbins, Duncan, Edson, Evans, Gordon, Grose, Hawkins, Hayden, Hoagland, Hutchings, Jefferis, Landiss, Lane, Lewis, Mercer, Modesitt, Moon, McDonald of Fountain, McDonald of Lake, McGinnis, Neal, Price, Reese, Schermerhorn, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stone, Taggart, Todd, Trippet, Van Sandt, Wagner, Wallace, Ward, Whitcomb, Williams of Knox, and Williamson—56.

*Those who voted in the negative were,*

Messrs. Abel, Ayres, Branson, Conduitt, Crowe, Davis of Sullivan, Douglass, Early, Harrison, Humphreys, Larue, Massey, Marvin, Moore, McDaniel, McFarland, McKinney, Reyman, Robbins, Sherrod, Shoulders, Studabaker, Walpole, Wiley, and Mr. Speaker—25.

So the bill passed.

*Ordered,* That the clerk inform the Senate thereof.

On motion by Mr. Colgrove,

The rules were suspended, and House bill No. 224. A bill for the relief persons who have borrowed money from the sinking fund of this State.

Was taken up, and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Batterton, Bethell, Blake, Boyd, Branham, Branson, Brown, Carnahan, Clark, Colgrove, Conner of Hamilton, Conner of Wabash, Crowe, Davis of Hendricks, Douglass, Duncan, Early, Edson, Evans, Gordon, Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Hutchings, Jefferis, Kerr, Landiss, Lane, Larue, Lewis, Mercer, Modesitt, Moon, Moore, McDaniel, McDonald of Lake, McFarland, McGinnis, McKinney, Neal, Price, Reese, Reyman, Robbins, Schermerhorn, Shoulders, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stone, Taggart, Todd, Trippet, Van Sandt, Wagner, Wallace, Walpole, Ward, Whitcomb, Wiley, and Williamson—71.

*Those who voted in the negative were,*

Messrs. Conduitt, Davis of Sullivan, Dobbins, Humphreys, Marvin, Sherrod, Studabaker, Williams of Knox, and Mr. Speaker—9.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

On motion by Mr. Lane,

Five hundred copies of the report of the president of the State bank were ordered to be printed.

By unanimous consent,

Mr. Branson offered the following resolution :

*Resolved*, That the commissioners of the sinking fund be requested to report to this House the reasons why there is such a disparity in the amounts loaned in different counties.

Which was not agreed to.

By unanimous consent,

Mr. Price introduced,

House bill No. 281. A bill to provide for the vaccination of the children in the State.

Which was read a first time, and passed to a second reading.

By unanimous consent,

Mr. Steele introduced,

House bill No. 282. A bill to amend section 48 of the general banking law of Indiana, and to declare the meaning of said section.

Which was read a first time and passed to a second reading.

By unanimous consent,

Mr. Wagner introduced,

House bill No. 283. A bill to provide for collecting and publishing agricultural, mechanical and manufacturing statistics of the State.

Which was read a first time, and passed to a second reading.

Mr. Marvin, chairman of the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bill have examined House engros-

sed bills Nos, 193 and 240, and compared them with the originals, and find them correctly engrossed.

Mr. Crowe, chairman of the committee on enrolled bills, made the following report :

MR. SPEAKER :

The committee on enrolled bills have compared enrolled bill of the House No. 77 with the engrossed copy thereof, and find the same correctly enrolled.

A message from the Governor by Mr. Osborne, executive messenger :

MR. SPEAKER :

I am directed by his Excellency to inform the House, that he has approved and signed the following bill :

House bill No. 23. An act for the removal of the old building on the Governor's circle in Indianapolis, and for the improvement of the same ; also,

House bill No. 77. An act to amend the first section of an act entitled, "an act to incorporate the Cannellton Paper Mills," approved February 15th, 1848, so as to give power to manufacture other articles.

On motion by Mr. Davis of Sullivan,  
The House adjourned.

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SATURDAY MORNING, 9 o'clock, }  
February 21, 1857. }

The House met.

The Clerk proceeded to read the journal,  
When,

On motion by Mr. Humphreys,  
The further reading of the journal was dispensed with.



On motion,

Leave of absence was granted to Messrs. Neff, Stillwell, Lewis, Yater, Williams of Lagrange, Crawford, Merrifield, Bowman, McFarland, and Colgrove.

#### PETITIONS, MEMORIALS, AND REMONSTRANCES.

Mr. Gordon presented a petition signed by Andrew Wallace and others, in reference to the fire department of Indianapolis, which,

On motion by Mr. Gordon,

Was referred to a select committee of seven, consisting of Messrs. Gordon, Claypool, Kerr, Denby, Larue, Hoagland, and Branham.

By Mr. Schermerhorn,

A petition signed by Jonathan C. Applegate and others, in reference to county auditors subscribing for one copy of the Indiana School Journal, which,

On motion,

Was referred to the committee on education.

By Mr. Whitcomb,

A petition signed by William L. Naylor, in reference to fees of officers and witnesses, which,

On motion,

Was referred to the committee on the judiciary.

By Mr. Claypool,

A petition signed by William C. Brooks and others, in reference to abolishing the office of township trustees, which,

On motion,

Was referred to the committee on education.

By Mr. Hayden,

A petition signed by John D. Bush, in reference to the fees of county auditors,

On motion,

Was referred to the committee on fees and salaries.

By Mr. Gordon,

A petition signed by W. R. Nofsinger, in reference to the claim of Elias Able, which,

On motion,

Was referred to the committee on claims.

## REPORTS FROM COMMITTEES.

Mr. Sherrod, chairman of the committee on ways and means, made the following report :

MR. SPEAKER :

The committee on ways and means, to whom was referred House bill No. 119, A bill regulating the fees of county auditors, have instructed me to report the same back to the House with one amendment, and when so amended recommend its passage:

SEC. 5. All laws and parts of laws conflicting with the provisions of this act, are hereby repealed.

Which report was concurred in, and the amendment adopted.

The question being, shall the bill pass?

Mr. Austin moved to recommit the bill with the following instructions :

"To so amend, that county commissioners be authorized to allow a reasonable allowance to county auditors for services not already provided for by law."

On motion of Mr. Branson,  
The bill was indefinitely postponed.

Mr. Schermerhorn, from the committee on ways and means, made the following report :

MR. SPEAKER :

The committee on ways and means, to whom was referred House bill No. 194. A bill to amend sections 64, 65, 66, 67, 70, 71, 72, and 73, of an act entitled, an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, appraisers of real property, county treasurers and auditors, and of the treasurer and auditor of State, approved June 21st, 1852, so as to abolish the office of township assessor, and to provide for the election of county assessors, have had the same under consideration, and have directed me to report the same back to the House and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Blake, from the committee on the judiciary, made the following report :

MR. SPEAKER ;

The judiciary committee, to whom was referred Senate bill No. 65, being a bill to amend sections 33 and 128 of an act entitled, "an act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852, have had the same under consideration, and directed me to report it back to the House and recommend its passage.

Which report was concurred in, and the bill ordered to a third reading.

Mr. Conner of Wabash, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred the petition of sundry citizens of the county of Wabash, have had the same under consideration, and have directed me to report the accompanying bill and recommend its passage.

House bill No. 284. A bill authorizing all persons to travel upon plank, McAdamized, and gravel roads free from toll in going to and returning from church or public worship on the Sabbath day.

Which was read a first time, and passed to a second reading.

On motion by Mr. Studabaker,

No. 96. A bill forbidding persons holding office in any of the banking institutions to hold office or to discharge the duties of any office or appointment in the State bank of Indiana or any of its branches, and prescribing the penalty for violating the provisions of the same.

Was taken up.

Mr. Kerr, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The committee on the judiciary to whom was referred House bill No. 96, entitled a bill forbidding persons holding office in any of the banking institutions, to hold office or to discharge the duties of any office or appointment in the State bank of Indiana, or in any of its branches, and prescribing the penalty for violating the

provisions of the same, have had the same under consideration, and a majority of said committee have directed me to report the same back to this House and recommend its indefinite postponement.

Mr. Studabaker from the committee on the judiciary, made the following minority report :

MR. SPEAKER :

The undersigned members of the judiciary committee, respectfully submit to the House of Representatives their reasons for dissenting from the decision of a majority of said committee, in relation to the report just made on House bill No. 96, a bill forbidding persons holding office in any of the banking institutions, to hold office or to discharge the duties of any office or appointment in the State Bank of Indiana, or in any of its branches, and prescribing the penalty for violating the provisions of the same ; with the recommendation to indefinitely postpone the same.

It will be remembered by the House, that this bill came from the committee on banks with a favorable recommendation, which was concurred in by the House.

That being the case, the undersigned did not so much consider it their duty to enquire into the propriety of the measure, as to ascertain whether there were any constitutional objections to the bill proposed, and with this view the undersigned submit their reasons for believing that the legislature has unquestionably the right to pass the bill under consideration, as well as their confidence in the propriety of so doing.

To arrive at a correct conclusion, it will be necessary to refer to the action of the legislature in previous years. What has been the policy of the State heretofore, and in what manner has she guarded and protected her interest in the State bank of Indiana? Let an examination be made of the original charter passed in 1834, and it will be seen with what jealous care the law forbid the officers of the bank from holding other offices likely to divert their attention or interest from the institution under their care. And the first law not being sufficient, in 1837 and 1842, passed others, as with a view to cover all omissions, and separate, if possible, all other monied institutions from the bank.

In continuation of that policy, we consider that the bank committee wisely recommended that the present legislature should pass a law forbidding making it illegal and inexpedient for the officers of the new State Bank, in which the State has no interest, to hold the offices and direct the disposition of the funds and affairs of the old State Bank, in which the State has some two millions of money.

Should it be to the interest of the new State Bank to use the funds of the old contrary to law, have they not the power, may

they not, when it is so manifestly their interest, protract the settlement with the State? Use her funds with little or no interest, and prevent the State from buying up her bonds while they can be purchased at a handsome discount.

Suppose the officers of the new bank should propose to this legislature to borrow the funds of the State in the old bank at five per cent. while she is paying six per cent. interest, would the proposition receive favor? Then, when we know that they may and have done indirectly, what we would not authorize them to do directly, is it not our duty to provide for the safety and security of the immense interest at stake, and place the old bank in the hands of officers who would have no divided interest, but manage its affairs with a view to a speedy settlement, a prompt redemption and cancellation of its paper, and paying to the State and stockholders, their right in the same.

The following is some of the legislation on this subject heretofore enacted :

Sec. 16. The persons administering the government of this State, Secretary of State, Treasurer, Auditor of Public Accounts, Commissioner of Canal funds, Judge of the Supreme Court or any inferior Court, or any <sup>50</sup>person holding office or appointment under the authority of the general government, shall not, while in such office, hold the office of president of the State bank, nor that of a member of the General Assembly; nor shall any president cashier or director of any branch, at the same time hold the office of president or director of the State bank, on the part of the State, or the office of president, director, or cashier of another branch.

Sec. 31. No president, cashier or teller of said bank, or any branch thereof, shall be permitted to vote at any election for directors, as the attorney, agent or proxy of any stockholder, No president, or cashier, or director, of the State bank, or president or cashier of either of the branches, shall, during the term of his office, be eligible to a seat in either branch of the General Assembly of this State.

Sec. 71. No person shall be a director in more than one branch at the same time, nor shall two or more partners be at the same time, directors of the same branch, or of the State bank and a branch thereof, nor shall a director of any monied corporation, having power to discount and to receive deposits, be a director of any branch.

*A joint resolution relative to officers of the State Bank and branches, approved Jannary 23, 1837.*

*Resolved by the General Assembly of the State of Indiana, That no person employed in the State bank of Indiana or any of its branches, either as president, cashier or director, shall be eligible*

to any office either in an insurance company or savings institution, within this State.

*Resolved*, That the acceptance by any president, cashier or director of the State bank, or any of its branches, of any office in any insurance company or savings institution within this State, shall work as a forfeiture of office in said bank or branches.

*A joint resolution on the subject of Bank Directors; approved January 29, 1842.*

*Be it resolved by the General Assembly of the State of Indiana*, That it is alike inconsistent with the interest of the State bank and branches, and the duty of said bank toward the people of Indiana and the stockholders of the bank, that licensed brokers and others, whose business it is to buy and sell for profit, gold, silver, bank and other notes, bills of exchange, &c., should hold seats as directors of said bank, or any one of the branches thereof.

*Be it further resolved*, That the president of the State bank be requested to furnish the board of directors of the State bank and each one of the branches, with a copy of the foregoing joint resolution.

Comment upon these laws we regard unnecessary. They speak for themselves, and illustrate plainly the right of the legislature to control this matter. If, in 1842, it was inconsistent with the interests of the bank, that brokers should hold seats as directors of said bank, is it not more inconsistent that officers of another bank whose interest is contrary to that of the State bank, should hold its offices and direct its management? With these reasons, and the facts to sustain the conclusion, we submit the question to your wise consideration, and indulge the hope that the legislature will in no event, neglect to provide for, and wisely husband the immense sum now within its reach and under its control.

DAVID STUDABAKER,

J. W. GORDON,

A. H. CONNER,

*Minority Committee.*

On motion by Mr. Walpole,  
The bill and reports were laid on the table.

On motion by Mr. McDonald of Lake,  
The rules were suspended, and

House bill No. 264. A bill to provide for the draining of the Swamp Lands donated by the United States to the State of Indiana, remaining unsold and unreclaimed, in cases wheer



the swamp land fund of any county is insufficient or unavailable for the drainage of such land.

Was taken up and read a second time, and

On motion by Mr. McDonald of Lake,

Referred to the committee on swamp lands.

On motion by Mr. Blake,

The rules were suspended and House bill No. 162. A bill for the creation of townships, election of trustees, duties of trustees, and mode of assessing township tax, and doing township business.

Was taken up.

Mr. Blake moved to reconsider the vote taken on the engrossment.

Which was agreed to.

On motion by Mr. Blake,

The bill was laid on the table, and three hundred copies were ordered to be printed.

On motion by Mr. Dobbins,

The rules were suspended, and House bill No. 259. A bill to reduce the number of township trustees, to abolish the office of township clerk and township treasurer, to transfer part of the duties of township trustees to the board doing county business, and otherwise change the manner of doing township business.

Was taken up, and read a second time.

On motion by Mr. Dobbins,

The bill was laid on the table, and two hundred copies ordered to be printed.

On motion by Mr. Kerr,

The documents accompanying the report of the committee appointed at the last General Assembly, were ordered to be printed with said report.

Mr. Gordon, from the committee on education, made the following report :

MR. SPEAKER :

The committee on education, to whom was referred House bill No. 164, entitled an act to exempt from taxation private property, and buildings used exclusively for educational purposes, have had the same under consideration, and have directed me to report the same back, with the accompanying amendment :

Amend the title of the bill by striking out the word "private."

Amend further, by adding the following section :

SEC. 2. Whereas, it is important that that the provisions of this act apply to the assessment of property for the year 1857, in order to exempt the property therein specified from taxation, therefore, it is hereby declared that the same shall take effect and be in force from and after its passage and publication in the Indiana State Sentinel and the Indiana State Journal.

And when so amended, to recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. McFarland, chairman of the committee on corporations, made the following report :

MR SPEAKER :

The committee on corporations, to whom was referred a petition from two hundred citizens of Shelby county, praying the legislature to repeal the law authorizing Joseph Quinn and James Norroe to erect toll bridges over Swamp creek, Brandywine, and Shanes creek, have had the same under consideration, and have directed me to report the accompanying bill, and recommend its passage.

No. 285. A bill to repeal an act, entitled an act authorizing Joseph Quinn and James Norvell to erect bridges, approved January 13, 1845, and also to repeal the act declaratory of, and to amend the aforesaid act, approved January 19, 1846.

Which was read a first time, and passed to a second reading.

Mr. Conner of Wabash, from the committee on corporations, made the following report :

MR. SPEAKER :

The committee on corporations, to whom was referred House bills Nos. 98, 43, 139, authorizing railroad companies to surrender their charters, &c., together with resolutions on the same subject, have had the same under consideration, and in view of the numerous legal questions connected therewith, have directed me to report the same back, and recommend their reference to the judiciary committee.

Which report was concurred in, and the bills so referred.

Mr. Studabaker, from the committee on the rights and privileges of the inhabitants of this State, made the following report :

MR. SPEAKER :

The committee on the rights and privileges of the inhabitants of the State, to whom was referred House bill No. 214, an act for

the protection of farms from the destruction of fire, have had the same under consideration, and direct me to say, that in the opinion of the committee, further legislation on the subject is unnecessary, and ask to be discharged from the further consideration of the same.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Evans, from the committee on the rights and privileges of the inhabitants of this State, made the following report :

MR. SPEAKER :

The committee on the rights and privileges of the inhabitants of the State, to whom was referred House bill No. 200, an act to authorize the Governor to appoint commissioners to take acknowledgements of deeds, or other contracts, and depositions in foreign countries, and to amend section 1st of an act, entitled an act authorizing the appointment, and prescribing the powers of commissioners in other States to take acknowledgements of deeds, and other instruments and depositions, approved May 31 1852, have had the same under consideration, and direct me to report it back, and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Slicer, from the committee on the rights and privileges of the inhabitants of this State, made the following report :

MR. SPEAKER :

The committee on the rights and privileges of the inhabitants of the State, to whom was referred House bill No. 231. A bill to amend the 1st section of an act, entitled an act declaratory of the law regulating marriages, and enforcing the provisions thereof by proper penalties, approved March 5, 1852, and to define the degrees of consanguinity and affinity prohibited in marriage, have had the same under consideration, and have unanimously directed me to report said bill back to the House, and respectfully recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Blake, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill 190, being an act supplemental to an act, entitled an act to provide for

the election, fixing the compensation and prescribing the duties of Attorney General of the State of Indiana, approved February 21, 1855, with instructions, have had the same under consideration, made the following amendments in obedience to such instructions, and directed me to report the bill back to the House with amendments:

*First Amendment*—Strike out the word “wherever,” in the last line of the first section of said bill.

*Second Amendment*—Strike out the words, “in such appeals,” in the last line of section two, and insert in lieu thereof the words, “in other cases of appeals.”

*Third Amendment*—After the word “party,” in the eighth line, insert the words, “except as to the State, against which no fees shall be taxed.”

Which report was concurred in.

The question being, shall the bill pass?

Mr. Grose moved to lay the bill on the table,  
Which was agreed to.

Mr. Larue from a special committee made the following report :

MR. SPEAKER :

The special committee appointed according to the provisions of a resolution of the House, requiring the State to be divided into not more than twenty-five districts, have had the same under consideration and a majority have instructed me to report the following bill, dividing the State into twenty-five districts, and fixing the time of holding courts therein, and for the election of judges therefor :

No. 286. A bill dividing the State into judicial districts for the purpose of electing judges for the court of common pleas, and fixing the time of holding the courts of common pleas, and the length of terms thereof in the several counties of the State, and repealing all former laws in conflict with the provisions of this act.

Which was read a first time, and passed to a second reading.

Mr. Kerr, from the committee on the affairs of the town of Clarksville, made the following report :

MR. SPEAKER :

The select committee, to whom was referred the petition of some of the inhabitants of the town of Clarksville, have had the same under consideration, and have procured from other sources such additional information in reference to the subject thereof as their opportunities would permit, and they are convinced that the interests of the inhabitants of said town require some legislation from

this General Assembly. The committee therefore recommend the following bill, and ask to be discharged from the further consideration of the said petition :

No. 287. A bill to provide for the better protection of rights and interests of the inhabitants of the town of Clarksville, and to repeal an act therein named.

Which was read a first time, and passed to a second reading.

Mr. Schermerhorn, from a select committee, made the following report :

MR. SPEAKER :

The select committee, to whom was referred House bill No. 229, entitled, an act to provide for the redemption of the circulating notes of the Shawnee and Gramercy Banks, have had the same under consideration, and have directed me to report the same back to the House, recommending its passage.

On motion by Mr. Larue,

The report was laid on the table.

Mr. Grose, from a select committee, made the following report :

MR. SPEAKER :

The select committee, to whom was referred House bill No. 55, a bill to prevent the circulation of an unauthorized paper currency, have had the same under consideration, and a majority of the committee have directed me to report the same back with certain amendments, and when so amended recommend its passage :

Strike out all after the enacting clause, and insert the following :

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all bills, notes, checks, drafts, receipts, orders, certificates, or any other paper or papers, in the similitude of bank notes or otherwise purporting to be drawn for the payment or receipt of any sum or denomination whatever, and intended to be used or circulated as currency or money made or issued by any person or corporation, except banking corporations, legally authorized by law to issue bank notes, shall be illegal and void.

SEC. 2. Any person or officer of any corporation who shall issue, re issue, pay, or put in circulation any such illegal bill, note, check, draft, receipt, order, certificate, or other paper or papers as currency or money shall be deemed guilty of a misdemeanor, and shall be fined in any sum not less than fifty nor more than one hundred dollars for each offense, upon conviction thereof in any court of competent jurisdiction.

SEC. 3. Any person who shall sign, make or execute, or having signed, made or executed, put in circulation any such illegal bill,

note, check, draft, receipt, order, certificate or other paper, and shall fail or refuse to redeem the same on presentation by any holder thereof, with gold or silver to the amount expressed therein, whether due or not due, shall be deemed guilty of a misdemeanor, and upon conviction in any court of competent jurisdiction, shall be fined in any sum not less than fifty nor more than one hundred dollars.

On motion,

The report and amendment were laid on the table.

On motion by Mr. Blake,

No. 123. A bill to amend the third and ninth sections of the fourth article of the constitution of the State of Indiana,

Was taken up, and

On motion,

Was referred to a select committee of three, consisting of Messrs. Blake, Kerr, and Schermerhorn, with instructions to strike out the word "enacted" in the first section, and insert the word "proposed."

#### RESOLUTIONS.

On motion by Mr. Marvin,

*Resolved*, That the members of this House be requested to report to the chairman of the select committee on House Joint Resolution No. 12, the number of copies of laws of 1855, required in their respective courts.

On motion by Mr. Steele,

No. 236. A bill to provide for a bank department,

Was taken up, and

On motion,

Was referred to the committee on banks.

On motion by Mr. Gordon,

*Resolved*, That the committee on education be instructed to enquire into the expediency of organizing an agricultural department of the State University, and locating the same on university square, in Indianapolis, and report by bill or otherwise.

On motion by Mr. Moon,

*Resolved*, That the committee on education be requested to report a bill providing for the appointment of district directors, if the inhabitants of a school district should fail to elect, as required



by section 102, of the school law; also, to amend section 107 by providing, "That no teacher shall be employed except he is qualified as required in section 149 of said law."

On motion by Mr. Wagner,

*Resolved by the House of Representatives*, (the Senate concurring,) That the use of the room immediately north of the Governor's room, be, and is hereby granted to the State board of agriculture.

Mr. Kerr offered the following resolution :

*Resolved*, That the committee on ways and means be directed to include in the specific appropriation bill, an allowance to the committee appointed by the last House of Representatives, to investigate an alleged over issue and redemption of treasury notes, and to the clerk of said committee, the sum of five dollars per day, for each of them, for the time necessarily employed in making the said investigation, to be certified by the clerk of said committee.

Mr. Moore moved to strike out "five," and insert "three."

Pending which,

On motion by Mr. Studabaker,  
The resolution was laid on the table.

Mr. Davis of Sullivan offered the following resolution :

*Resolved*, That this House will, the Senate concurring, adjourn without day, on Thursday next, the 26th instant, at 4 o'clock, P. M.

On motion by Mr. Walpole,  
The resolution was laid on the table.

Mr. Gordon offered the following resolution :

*Resolved*, That the committee on the State prison be instructed to enquire into the expediency of appropriating the net proceeds of the labor of the convicts therein as follows:

*First*—To the payment of the costs of prosecution.

*Second*—To the payment of the owner of property stolen or taken, or themselves at the expiration of their term of imprisonment; and for the purpose of enabling such distribution to be made, that said committee be instructed, should they find the same expedient, to provide for the opening of accounts with each of said convicts by the proper officers of said prison—damage done by any given crime, the value of such property, or amount of such property, or amount of such damage; and for the purpose of ascer-

taining such value or damage, to provide for the finding thereof by the jury trying each convict.

*Third*—To the families of such convicts, where they may have families dependent upon them ; and in case they be unmarried, to and otherwise secure the carrying out of the object herein contemplated.

Which was agreed to, and

On motion,

Referred to the committee on State prison.

Mr. Boyd offered the following resolution :

*Resolved*, That the Hon. John Young, president of the Northwestern Christian University be requested to deliver an address on the subject of education, in this hall on the evening of the 25th instant, and that the use of the hall be granted for that purpose.

Which was not agreed to.

Mr. Shuman moved to reconsider the vote just taken.

The ayes and noes were demanded by Messrs. Grose and Gordon.

*Those who voted in the affirmative were,*

Messrs. Adams, Allen, Austin, Ballenger, Blake, Boyd, Branham, Carnahan, Clapp, Conner of Hamilton, Conner of Wabash, Crowe, Davis of Hendricks, Dobbins, Duncan, Evans, Gordon, Grose, Hawkins, Humphreys, Hutchings, Jefferis, Kerr, Lane, Larue, Marvin, Mercer, Modesitt, Moon, McGinnis, McKinney, Neal, Price, Robbins, Shuman, Sloss, Smith of Bartholomew, Steele, Stone, Van Sandt, Wagner, Ward, Whitcomb, Williamson, and Mr. Speaker—45.

*Those who voted in the negative were,*

Messrs. Abel, Bethell, Branson, Brown, Conduitt, Cullen, Davis of Sullivan, Denby, Douglass, Early, Edson, Harrison, Hoagland, Landiss, Massey, Moore, Reyman, Ricketts, Schermerhorn, Sherrod, Shoulders, Taggart, Trippet, Walpole, and Wiley—24.

So the resolution was taken from the table.

Mr. Claypool moved to amend by striking out all after the word resolved, and insert the following:

That the Hon. John Young, president of the Northwestern Christian University, be allowed the use of this hall, on the even-

ing of the 25th instant, for the purpose of delivering a lecture on the subject of education.

Which was agreed to, and the resolution, as amended, was adopted.

#### BILLS INTRODUCED.

By Mr. Sherrod,

No. 288. A bill to amend section seven of an act, entitled an act providing for the election of clerks of the circuit court, and prescribing some of their duties, approved June 7, 1852.

Which was read a first time, and passed to a second reading.

By Mr. Gordon,

No. 289. A bill to extend further time to borrowers of the sinking fund.

Which was read a first time, and passed to a second reading.

By Mr. Denby,

No. 290. A bill to enable the several chartered cities of this State to construct water works.

Which was read a first time and passed to a second reading.

By Mr. Hoagland,

No. 291. A bill to amend section 4 of an act for the incorporation of manufacturing companies for mechanical, chemical and building purposes, approved May 20, 1852.

Which was read a first time, and passed to a second reading.

By Mr. Conner of Wabash,

No. 292. A bill authorizing the destruction of papers returned by township assessors.

Which was read a first time and passed to a second reading.

By Mr. Branham,

No. 293. A bill to prevent obstructions to railroads by hitching, driving, leading, or feeding cattle or other stock thereon, except as therein provided.

Which was read a first time, and passed to a second reading.

By Mr. Clapp,

No. 294. A bill to provide for the assessment and taxation of

land and real estate belonging to railroad, plank roads, or other incorporated or joint stock companies.

Which was read a first time, and passed to a second reading.

By Mr. Denby,

No. 295. A bill to amend section one of an act, entitled an act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes, approved May 20th, 1852.

Which was read a first time, and passed to a second reading.

By Mr. Crowe,

No. 296. A bill to authorize the record of deeds where in certain cases, they have been recorded in wrong county, or transcripts thereof duly certified or proved, to be read in evidence.

Which was read a first time and passed to a second reading.

By Mr. Grose,

No. 297. A bill to amend sections 50 and 138 of chapter 10 of the revised statutes, approved June 17th, 1852.

Which was read a first time, and passed to a second reading.

By Mr. Smith of Bartholomew,

No. 298. A bill to amend section 27 of an act entitled, an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties and matters properly connected therewith, and to establish township libraries, and for the regulation thereof, approved March 5, 1855.

Which was read a first time, and passed to a second reading.

On motion by Mr. Marvin,

The House resolved itself into the committee of the whole for the further consideration of House bill 237. A bill to regulate the sale of spirituous, vinous, malt, and intoxicating liquors.

The committee of the whole House, through their chairman, Mr. Davis of Sullivan, reported no quorum present.

On motion by Mr. Kerr,

A call of the House was ordered, when the following members answered to their names:

Messrs. Adams, Austin, Ayres, Bethell, Blake, Boyd, Branson, Brown, Carnahan, Clapp, Clark, Claypool, Conner of Hamilton, Conner of Wabash, Conduitt, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early,

Edson, Evans, Grose, Harrison, Hawkins, Hayden, Hoagland, Humphreys, Kerr, Landiss, Lane, Larue, Massey, Marvin, Mercer, Modesitt, Moon, Moore, McDonald of Lake, McGinnis, McKinney, Neal, Price, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Shuman, Sloss, Smith of Bartholomew, Stone, Studabaker, Taggart, Trippet, Van Sandt, Wagner, Wallace, Ward, Whitcomb, Wiley, Williamson, and Mr Speaker—67.

On motion,  
The further call of the House was suspended.

The House then resolved itself into the committee of the whole, for the further consideration of House bill No. 237, and having spent some time in the consideration of the same, made the following report, through their chairman, Mr. Davis of Sullivan :

MR. SPEAKER :

The committee of the whole, to whom was referred House bill No 237, have had the same under consideration, and have directed me to report progress and ask leave to sit again.

On motion by Mr. Kerr,  
The House adjourned.

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TWO O'CLOCK, P. M.

The House met.

A message from the Senate by Mr. Harvey, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bill of the House, viz :

No. 84. A bill to amend the 31st section of an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved June 11, 1852, with sundry amendments thereto, in which the

concurrence of the House of Representatives is respectfully requested.

On motion by Mr. Davis of Sullivan,

The first amendment contained in the foregoing message was not concurred in. The House concurred in the second and third amendments contained in the foregoing message.

*Ordered*, That the Clerk inform the Senate thereof.

On motion by Mr. Lane,

The House resolved itself into the committee of the whole, for the further consideration of House bill No. 237, Mr. Davis of Sullivan in the chair; and after having the same under consideration for some time, reported through their chairman, Mr. Davis of Sullivan, no quorum present.

On motion by Mr. Kerr,

A call of the House was ordered.

The Clerk proceeded with the call, when the following members answered to their names:

Messrs. Abel, Adams, Allen, Austin, Ayres, Batterton, Bethell, Blake, Boyd, Brown, Carnahan, Clapp, Clark, Conner of Wabash, Conduitt, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Grose, Harrison, Hawkins, Hoagland, Humphreys, Hutchings, Kerr, Lane, Larue, Massey, Marvin, Mercer, Moon, McDaniel, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neal, Price, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Sloss, Steele, Studabaker, Taggart, Trippet, Wagner, Wallace, Walpole, Ward, Whitcomb, Wiley, Williamson, and Mr. Speaker—63.

On motion,

The further call of the House was suspended,  
When,

On motion by Mr. Humphreys,  
The House adjourned.



MONDAY MORNING, 9 o'clock, }  
February 23d, 1857. }

The House met.

On motion by Mr. Bethell,  
The reading of the journal was dispensed with.

On motion by Mr. Neal,  
Leave of absence was granted to Mr. Van Sandt.

#### PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Mercer,

A petition signed by Daniel McCoy and others, in reference to the school fund.

On motion,  
Was referred to the committee on education.

By Mr. Mercer,

A petition signed by sundry citizens of Elkhart county, in relation to taxation.

Which,  
On motion,  
Was referred to the committee on ways and means.

#### REPORTS FROM COMMITTEES.

Mr. Marvin, chairman of the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills, have carefully examined House bills No. 66, 210, 241 and 238, and find them correctly engrossed.

Mr. Blake, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 43, entitled a bill to authorize railroad companies to sur-

render their franchises, pay their liabilities, divide their assets and dissolve the corporation, have had the same under consideration, and direct me to report the same back to the House, and recommend its indefinite postponement, there being another bill before the House designed to accomplish the same result in a better manner.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Kerr, from the committee on the judiciary, made the following report :

**MR. SPEAKER :**

The committee on the judiciary, to whom was referred House bill No. 98, entitled a bill to empower railroad companies, organized under the general laws of the State, to surrender their franchises, pay off their liabilities, distribute their assets and dissolve the corporation, have had the same under consideration, and direct me to report the same back to this House, and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Conner of Wabash, from the committee on the judiciary, made the following report :

**MR. SPEAKER :**

The committee on the judiciary, to whom was referred sundry petitions from the citizens of the State of Indiana, praying the General Assembly to repeal so much of article thirty-seven of chapter one of the revised statutes of 1852, as refers to canal boats, have had the same under consideration, and have directed me to report the accompanying bill, and when so reported, the committee recommend its passage.

No. 299. A bill to amend section 655, of article 37 of an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity.

Which was read a first time, and passed to a second reading.

Mr. Blake, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 198, a bill to authorize the Auditor and Treasurer of State to change the denomination of the bonds issued under the law of 1855, have had the same under consideration, and have directed me to report the same back, and recommend its passage.

On motion by Mr. Steele,

The bill was referred to a select committee of three, consisting of Messrs. Steele, Blake and Humphreys.

By unanimous consent,

Mr. Davis of Sullivan offered the following resolution :

*Resolved*, That the clerk of this House be instructed to read on this day, the 23d day of February, (the 22d having been Sunday,) at 2 o'clock P. M., the Farewell Address of General Washington, and that the Senate be invited to be present at that hour for the purpose of hearing said address, and that seats be provided for Senators on the right of the Speaker's chair.

The question being, shall the resolution be adopted?

The ayes and noes were demanded by Messrs. Davis of Sullivan and Humphreys.

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Bethell, Blake, Branson, Brown, Carnahan, Clark, Conner of Wabash, Conduitt, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Harrison, Hoagland, Humphreys, Kerr, Landiss, Lane, Massey, Moore, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Steele, Taggart, Trippet, Wiley, Williamson, and Mr. Speaker—42.

*Those who voted in the negative were,*

Messrs. Boyd, Larue, Price, and Ward—4.

On motion of Mr. Davis of Sullivan,

A call of the House was ordered.

The Clerk proceeded with the call,

When the following members answered to their names :

Messrs. Abel, Allen, Austin, Bethell, Blake, Boyd, Branson, Brown, Carnahan, Clark, Conner of Wabash, Conduitt, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Duncan, Early, Edson, Gordon, Grose, Harrison, Hawkins, Hoagland, Humphreys, Kerr, Landiss, Lane, Larue, Massey, Mercer,

Moore, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neal, Price, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Sloss, Steele, Stone, Studabaker, Trippet, Wagner, Ward, Whitcomb, Wiley, Williamson, and Mr. Speaker—57.

On motion,  
The further call of the House was suspended.

Mr. Crowe, moved the House adjourn.  
Which was not agreed to.

On motion by Mr. Moore,  
The absentees were sent for.

Mr. Davis of Sullivan withdrew his resolution.  
When,

On motion by Mr. Wagner,  
The House adjourned.

2 O'CLOCK P. M.

The House met.

Mr. Kerr, from the the committee on the judiciary, made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred House bill No. 139, entitled a bill authorizing railroad companies to surrender their charters, and wind up and settle the affairs of their corporations, have had the same under consideration, and direct me to report the same back to the House, with the opinion of the committee, that it is inexpedient to legislate in the manner proposed in said bill, and recommend its indefinite postponement.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Conner of Wabash, from the committee on the judiciary, made the following report :

**MR. SPEAKER :**

The committee on the judiciary, to whom was referred House bill No. 195, being an act defining the rights and remedies for purchasers of the property corporate, franchises, rights, privileges, easements, immunities, effects of plank roads, from turnpike and railroad corporations, have had the same under consideration.

The purchasers referred to in the bill in question, are all those who have, or may hereafter purchase the rights above mentioned at public sale, under any decree or judgment, or upon any execution issued thereon.

This bill provides that by any such sale and purchase, the purchaser shall be invested with all the rights and privileges and immunities, and all remedies, actions and right of action in his own name, that any such company possessed at any time previous to any sale.

The committee cannot avoid the opinion that the bill confers dangerous and extraordinary powers upon purchasers at sheriff's sale, which, if allowed, would lead to the most disastrous results, especially to our railroad interests.

The committee therefore have directed me to report the same back to the House, and recommend its indefinite postponement.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Colgrove, from the committee on the judiciary, made the following report :

**MR. SPEAKER :**

The judiciary committee, to whom was referred a resolution in regard to assignments of insolvent debtors, have had the same under consideration, and directed me to report the following bill on that subject, and to recommend its passage :

No. 300. A bill to provide for a uniform mode of proceeding in cases of assignments of insolvent debtors, for the appointment of trustees, and defining their duties and powers, and providing for the distribution of the powers of insolvent estates.

Which was read a first time, and passed to a second reading.

Mr. Crowe, from the committee on education, made following report:

**MR. SPEAKER :**

The committee on education, to whom was referred joint resolution of the Senate, No. 3. "A joint resolution authorizing the superintendent of public instruction to distribute the balance of the school funds in the treasury, and directing the proper officers

to disburse the same, and providing compensation therefor," have had the same under consideration, and have directed me to report the same back to the House and recommend its passage.

Which report was concurred in, and the joint resolution ordered to a third reading.

Mr. Lane, chairman of the committee on education, made the following report :

**MR. SPEAKER :**

The committee on education, have had information that since the passage of the school law of 1855, the citizens of school districts, by subscriptions paid to their building committees, have erected valuable public school houses, for which, under the act of 1855, they cannot receive receipts against future taxes for the building of school houses, the terms of that act requiring such advances to be made to the township treasurer. They have also been informed that strong objections exist against making these advances to the township treasurer, because it puts the people of the districts to unnecessary trouble in going to his residence, but chiefly for the reason that such treasurer receives his per centage on the moneys so received, when paying them to the district director, the trouble and per centage would be saved. Your committee believe that it is the duty of the legislature to perfect the school law by cutting off all unnecessary trouble and expense, for in proportion to its economy will be its attachment to the people. For the purpose of remedying the two evils mentioned, they herewith report a bill to amend sec. 9 of the act of 1855:

No. 301. A bill to amend section 9, of an act entitled, "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof, approved March 5th, 1855.

Which was read a first time, and passed to a second reading.

Mr. Bethell, from the committee on military affairs, made the following report :

**MR. SPEAKER :**

The committee on military affairs, to whom was referred a claim of the Adjutant General, have had the same under consideration, and after having the necessary affidavit appended, have instructed me to refer this back to the House, and recommend its reference to the committee on ways and means, and recommend that provisions be made for the payment of the same.

Which report was concurred in, and the claim so referred.



By unanimous consent,

Mr. Hayden presented the following petition :

A petition signed by John Kemp and others, in reference to repealing the charter of the Rising Sun Turnpike Company.

Which,

On motion,

Was referred to the committee on roads.

Mr. Moore, from the committee on county and township business, made the following report :

MR. SPEAKER :

The committee on county and township business, to whom was referred a resolution of this House instructing them to enquire what change should be made in the mode and manner of assessing the personal property of this State, have had the same under consideration, and have directed me to report the following bill and recommend its passage :

No. 302. A bill to repeal section seventy-three of an act entitled, " an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the treasurer and auditor of State, approved June 21st, 1852.

Which was read a first time, and passed to a second reading.

Mr. Davis of Sullivan, from the committee on railroads, made the following report :

MR. SPEAKER :

The committee on railroads, to whom was referred Senate bill No. 37, being " a bill to amend the first section of an act entitled, an act to amend the charter of the Indianapolis and Bellefontaine Railroad Company," passed January 1850, have had the same under consideration, and directed me to report the same back to the House with one amendment, and when so amended, recommend its passage :

Strike out of the first section of the amendment the words " and of seven per cent. per annum."

Which report was concurred in, the amendment adopted, and the bill ordered to a third reading.

Mr. Steele, from a select committee, made the following report

MR. SPEAKER:

The select committee, to whom was referred House bill No. 198, "a bill authorizing the treasurer and auditor of State to change the denomination of bonds issued under law of 1855," report the same back with the following amendment:

Insert in the 4th line, after the word State, "issued to pay the university debt."

Which report was concurred in, and the bill ordered to be engrossed.

On motion by Mr. Larue,

The rules were suspended, and House bill No. 220; "a bill to provide for the redemption of the circulating notes of the Shawnee and Gramercy Banks," and the majority report on the same was taken up

Mr. Larue, from a select committee, made the following minority report:

MR. SPEAKER:

The minority of the special committee, to whom was referred House bill No. 229, respectfully present the following reason for dissenting from the opinion of the majority.

The last clause of section 6, article 10th, of the constitution of this State provides as follows: "nor shall the General Assembly ever, on behalf of the State, assume the debts of any county, city, town or township, nor of any corporation whatever."

In presenting, briefly, my views on the question raised, it is not necessary to enquire whether the free banking law is constitutional or not, or whether by any possibility under that law the State can by its terms, be made tenable in any event, for the issue of any bank organized under its provisions, for, if the State can by the provision of the law, ever be held liable for the issue of any such bank, then the provision creating the possibility of such liability is in conflict with the provisions of this section of the constitution referred to, as the clause named does not in any way conflict with the clause of the constitution regulating banking. If the State cannot be made liable for such issue, by the provisions of the law organizing free banks, then the proposed law in behalf of which the report of the majority is submitted.

JOHN M. LARUE.

On motion by Mr. Larue,

The report and bill were laid on the table.

Mr. Conner of Wabash, from the committee on the judiciary, made the following report:

Mr. SPEAKER :

The judiciary committee, to whom was referred House bill No. 199, being a bill to authorize the State of Illinois to maintain the Calumet feeder dam, and securing the use of the water of the Calumet river, and providing the manner of assessing damages sustained by citizens of Indiana, and regulating draining swamp lands adjacent to the Calumet river, in the State of Indiana, have had the same under consideration, and directed me to report the same back, striking out all after the enacting clause, and substituting the accompanying bill, and when so amended, to recommend its passage.

SEC. 1. That nothing contained in the act of the General Assembly of the State of Indiana, entitled an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof in accordance with the conditions of said grant, approved May 29, 1852, shall, in any wise, be so construed as to authorize or empower the swamp land commissioners in any county of the State of Indiana, in which there may be situated swamp lands, or any contractor or contractors in the ditching and draining of any swamp lands, belonging to the State of Indiana, or which may have hertofore belonged to said State, and who may have a contract for draining and ditching of any such lands, in the execution and performance of any such contract, to construct or cut any canal or ditch from the Calumet river in said State to what is known as the grand Calumet river, which would divert any of the waters of the Calumet river from the natural bed or channel, or leave the same below the level of the top of said dam; and the construction of any and all such ditches or canals are hereby prohibited for and during such time, and such time only as the State of Illinois shall continue and maintain at Blue island, or Rexfords in said State, what is known as the Calumet feeder dam, and so long as what is known as the Calumet feeder shall continue to be required and used to furnish the main supply of water for the summit level of the Illinois and Michigan canal, not however longer than ten years from the first day of July, 1857.

SEC. 2. It is hereby made the duty of the swamp land commissioners of the county of Lake, in the State of Indiana, to cause the work now in progress on what is known as the grand Calumet canal or ditch, which is intended to divert the waters of the said Calumet river from its natural channel, to be stopped and all working operations therein to cease.

SEC. 3. The State of Illinois is hereby authorized and empowered, so far as the General Assembly of the State of Indiana can confer such power and authority, at the expense of said State of Illinois, to maintain said Calumet feeder dam, for and during such

period as the water of the Calumet river, by means of any feeder dam, shall continue to be used as a principal source of supply to the Illinois and Michigan canal, not exceeding ten years from the first day of July, 1857: *Provided, however,* That the board of trustees of the Illinois and Michigan canal shall pay, and be accountable in damages to the owner and owners of all lands situated in the State of Indiana, who may have owned or had an interest in fee therein before the erection of the Calumet feeder dam; and which lands may have been, or are now in anywise overflowed, and injured by reason of the erection of said feeder dam: *And provided further,* That the said board of trustees aforesaid shall pay and be accountable in damages to the board of commissioners of any county in the State of Indiana in the vicinity of said feeder dam, who may have incurred expenses or outlay of money in the repair and construction of bridges by reason of the erection of said feeder dam and the overflowing of lands aforesaid.

SEC. 4. For the purpose of ascertaining the damages which may have been, or now are sustained, as contemplated in the third section of this act, it is also hereby further enacted, that the board of commissioners of the county of Lake and State of Indiana, be, and are hereby authorized and empowered, and it is hereby made their duty to choose some competent citizen of the State of Indiana, and the board of trustees of the Illinois and Michigan canal shall, and hereby have the right to choose some competent person in their behalf, which two persons, when so appointed, shall choose a third person, and the three so chosen are hereby constituted a board of appraisers, whose duty it shall be to ascertain, assess and appraise all the damages claimed or sustained by lands lying either in the counties of Porter or Lake in said State of Indiana, which damages, if allowed, shall be limited to such lands as have been sold by the United States, and are included within the lines of the government survey, and such lands as are contemplated in the third section of this act, and in case any vacancy shall, in any manner accrue, in said board of appraisers, such vacancy shall be filled in the manner in which the original appointments were made.

SEC. 5. The appraisers so chosen as provided in the fourth section of this act, shall take an oath, and be duly sworn to truly and impartially ascertain and assess the damages claimed by any person or persons, which may be presented to said board of appraisers for adjudication arising from any of the causes contemplated in that act, and the decision of said board of appraisers shall be final and conclusive between the parties, in all cases which may be submitted to them, and which they shall have determined by adjudication: *Provided, however,* That either party shall have the right, within thirty days, to appeal from the decision of said appraisers, to the circuit court or court of common pleas of the county in which the land is situated, as in other cases.

SEC. 6. The said board of appraisers shall give public notice of the time and place of their meeting, the purpose and the object thereof, which notice shall be for at least thirty days before the day fixed for the meeting, and said notice shall be given by printed hand bills published and posted in at least three public places in each of the counties of Porter and Lake in the State of Indiana, and also by the publishing of like notices in the newspapers published in said counties.

SEC. 7. At the first meeting of the board of appraisers as provided for in the 6th section of this act, it shall be their duty to receive the complaints of any and all persons claiming damages under the provisions of this act, to file the same and record the names of all such claimants, in a book provided for that purpose, and then to fix a day in the future for hearing all such claims as may then be filed as aforesaid, of which time for the hearing of all such claims, the claimants shall have such reasonable notice as such board of appraisers may deem sufficient; said examination and the rule of evidence in the same, shall be governed in all respects by the same rules now governing in cases of the courts of the State of Indiana, and to this end and for this purpose, said board of appraisers, and each member thereof, is hereby authorized to administer oaths to all persons brought before them as witnesses in relation to any claim for damages pending before them.

SEC. 8. The board of commissioners of Lake county, shall appoint the appraisers authorized to be appointed by said board, at their first meeting after notice of the passage of this act, and shall inform the board of trustees of the Illinois and Michigan Canal thereof, within ten days thereafter, the appraisers so chosen by the board of commissioners of Lake county, and the appraisers appointed by the trustees of the Illinois and Michigan Canal, shall meet at Lake Station in the county of Lake, in the State of Indiana, for the purpose of selecting the third appraiser, and of organizing with him the board of appraisers as contemplated in the 4th section of this act, and the meetings of said board of appraisers shall always be held for the purposes provided in this act, at said Lake Station, in said Lake county, in the State of Indiana; said board of appraisers may adjourn from time to time, if in their judgment the interest of either party require it.

SEC. 9. It is further enacted, that after the notice of the time and place of the presenting of claims for damages under this act, shall have been given as provided for in the 6th section of this act, any claimants for damages under this act, may at any time within sixty days thereafter, file his or their claims for damages under this act, with either the members of said board of appraisers, which shall be filed and recorded in the manner specified in the 7th section of this act, and all persons failing to file their said claims within the time here specified, shall be deemed as having waived his claim for damages, and any claim so failing, shall for-



ever be barred from asserting any claim for damages under this act. *Provided*, That after the expiration of the time thus specified, claims may be made and adjusted at any time before the first day of January, 1848, the claimant paying the entire expenses attendant upon such adjustment, and that the appraisers may act upon and adjust such claims if called upon as in other cases, until the said first day of January, 1858, anything in the 10th section of this act to the contrary notwithstanding; *And provided further*. That infants, idiots, *femes covert*, and insane persons, shall not lose their right to damages in consequence of such disability, but their claims may be presented within a twelve month after the removal of such disability, to the appraisers before provided to be appointed, if they can conveniently again be brought together, or upon application to the circuit court or court of common pleas, for the county in which the land damaged is located, such court may appoint three appraisers, who shall in such case, have the same power and be subject to the same rules as are prescribed for the appraising and assessing damages in former sections of this act; the trustees of the Illinois and Michigan Canal, in all such cases, to have not less than thirty days' notice of meeting of such appraisers, which must be held at Lake Station aforesaid. The expenses of the assessment and appraisal of damage in such cases, shall be paid in the same manner and to the extent specified in the next succeeding section of this act, and the decision of such appraisers shall have the same force and be subject to the same appeal, and binding on all parties in the same manner, as the decision of the appraisers appointed under a previous section of this act.

SEC. 10. The appraisers contemplated and provided for in this act, except as named in section 9, shall have until the 12th day of October in the year 1857, for the purpose of discharging the duties required of them under this act, and for their services as such appraisers they shall receive the sum of five dollars each per day, for each and every day of actual service rendered by them or either of them, in the transaction of the business required under the provisions of this act, to be paid by the State of Illinois or the board of trustees of the Illinois and Michigan Canal as the case may be together with all witness fees except as otherwise provided in this act.

SEC. 11. *Be it enacted by the General Assembly of the State of Indiana*, That inasmuch as by the provisions of the second section of this act the swamp land commissioner of Lake county, Indiana, is authorized and required to stop and cease the work known as the grand Calumet canal or ditch in said Lake county, the said county commissioner is hereby authorized, and it is made his duty to estimate all work done by said contractor, or his said contract up to the time of his ceasing the prosecution of said work, including his percentage thereon retained on work heretofore done, and the appraisers appointed under a former section of this act, are



hereby constituted appraisers to assess and ascertain the damages actually ascertained sustained by said contractor by reason of said work being stopped, as required in the second section of this act, which said amount of damages, when so ascertained, together with the amount that may be found due to said contractor for work done, and for per centage heretofore retained shall be paid to said contractor: and said commissioner of swamp lands of the county of Lake, Indiana, is hereby authorized to draw his warrant in favor of said contractor for such sum as may be found due to him for work and labor and per centage as aforesaid, which sum shall be paid the said contractor in the manner as now provided for the payments to him for such work, and the damage awarded to him as aforesaid, shall be paid as other damages are paid.

SEC. 12. Nothing contained in the provisions of this act shall be construed as to prevent the board of trustees of the Illinois and Michigan canal from adjusting any of said claims for damages amicably with such claimants, if the same can be done, and at any stage of the proceedings, and in any case; and the said board of commissioners of Lake county are hereby authorized and empowered to adjust amicably with the trustees of the Illinois and Michigan canal, all present and prospective damages to said county, or which may at any time arise by reason of said Calumet feeder dam, such adjustments shall be final and conclusive as to all damages which may hereafter arise, and shall operate as a perpetual release in favor of the State of Illinois and the board of trustees of the Illinois and Michigan canal aforesaid.

SEC. 13. All damages awarded to any party claiming damages, as also costs and witness fees shall be paid or tendered at the time of the award made by the appraisers to the party or parties entitled thereto: *Provided*, That an appeal be taken, then said damages and costs shall be paid as above, when finally decided by the court or courts appealed to: *And provided further*, That in case such award shall not be paid or tendered within ninety days after the same is made or such appeal decided, or in case the owners of said canal, or the board of trustees thereof fail to appoint an appraiser, or otherwise to carry out the provisions of this act on their part in good faith, so far as relates to damages or the appraisal thereof, then this act shall cease to have any beneficial effect to the owners of the said canal, or to be in force in any other particular, and every right previously gained by the owners of such canal, under the provisions of this act shall be forfeited.

SEC. 14. Whereas the commissioner of swamp lands in the county of Lake, and State of Indiana, is now engaged in the cutting of a canal or ditch from the Calumet river, to the grand Calumet river, the effect of which is to divert the water from the Calumet river from its natural bed or channel, thereby destroying what is known as the Calumet feeder of the Illinois and Michigan canal, it is deemed that an emergency exists for the immediate taking effect of this act; and it shall, therefore, be in force from

and after its passage and publication in the Indiana State Sentinel and Journal.

On motion of Mr. Walpole,

The bill was made the special order of the day for Wednesday next, at 10 o'clock A. M.

Mr. Blake from the committee on the organization of courts of justice, made the following report :

MR. SPEAKER :

The committee on the organization of courts of justice, to whom was referred Senate bill No. 4, providing for the appointment of some suitable person to hold common pleas courts in case of absence, from sickness of the judge, have had the same under consideration, and direct me to report the same back, and recommend its passage.

Which report was concurred in, and the bill ordered to a third reading.

#### RESOLUTIONS.

Mr. Davis of Sullivan offered the following resolution :

*Resolved*, That the committee on claims be instructed to enquire into the expediency of allowing to Joseph W. Briggs, in the specific appropriation bill, the sum of twenty-five dollars, for his services as special prosecutor in a case mentioned in an extract from the records of the Sullivan circuit court herewith submitted.

Which was adopted, and the resolution, together with the extract of records, were referred to the committee on claims.

Mr. Neal offered the following resolution :

*Resolved*, That hereafter this House will meet at 8 o'clock A. M., and at 1 o'clock P. M., on each day.

Which was not agreed to.

Mr. Ward offered the following resolution :

*Resolved*, That the House of Representatives, the Senate concurring, that this General Assembly adjourn without day, on the ninth day of March next, at 9 o'clock A. M.

Which was not agreed to.

## BILLS INTRODUCED.

By Mr. Lane,

No. 303. A bill authorizing the application of the property road tax on turnpike roads in certain cases.

Which was read a first time, and passed to a second reading.

By Mr. Dobbins,

No. 304. A bill to amend section 1 of an act providing for the election or appointment of supervisors of Highways, and prescribing certain of their duties, and those of county and township officers in relation thereto, approved June 18, 1852.

Which was read a first time, and passed to a second reading.

By Mr. Hoagland,

No. 305. A bill to change the time of holding courts in the tenth judicial circuit, and to extend the length of the term in Allen county, and providing additional compensation to the judge thereof.

Which was read a first time and passed to a second reading.

Mr. Hoagland moved that the rules be suspended and the bill read a second time by its title now.

The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Ballenger, Bethell, Blake, Boyd, Branham, Branson, Brown, Bryan, Clapp, Clark, Colgrove, Conner of Hamilton, Conner of Wabash, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Duncan, Early, Edson, Evans, Gordon, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Hutchings, Jefferis, Kerr, Landiss, Lane, Larue, Massey, Mercer, Modesitt, Moon, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neal, Price, Reyman, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Shuman, Sloss, Steele, Stillwell, Stone, Studabaker, Taggart, Todd, Trip-pet, Van Sandt, Wagner, Wallace, Walpole, Ward, Whitcomb, Wiley, Williamson, and Mr. Speaker—73.

*Those who voted in the negative were,*

Messrs. Austin, Ayres, Carnahan, Grose, and Moore.—5.

So the rules were suspended, and the bill read a second time now.

Mr. Walpole moved that the rules be suspended and the bill read a third time by its title now.

The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Bethell, Blake, Boyd, Branson, Brown, Bryan, Clapp, Clark, Claypool, Conner of Hamilton, Conner of Wabash, Conduitt, Crowe, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Duncan, Early, Evans, Gordon, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Hutchings, Jefferis, Kerr, Landiss, Lane, Larue, Massey, Marvin, Mercer, Modesitt, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neal, Price, Reyman, Ricketts, Robbins, Schermerhorn, Sherr d, Shoulders, Shuman, Sloss, Smith of Bartholomew, Steele, Stillwell, Studabaker, Taggart, Todd, Trippet, Van Sandt, Wallace, Walpole, Ward, Whitcomb, Wiley, Williamson and Mr. Speaker—72.

*Those who voted in the negative were,*

Messrs. Carnahan, Edson, and Moore—3

Mr. Grose refuses to vote.

So the rules were suspended and the bill read a third time by its title.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Bethell, Blake, Boyd, Branham, Brown, Bryan, Carnahan, Clapp, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Denby, Duncan, Early, Edson, Evans, Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Hutchings, Jefferis, Landiss, Lane, Massey, Marvin, Mercer, Modesitt, Moon, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Price, Reyman, Ricketts, Robbins, Sherrod, Shoulders, Shuman, Smith of Bartholomew, Steele, Stillwell, Stone, Studabaker, Taggart, Todd, Trippet, Van Sandt, Wallace, Walpole, Ward, Whitcomb, Wiley, and Williamson—68.

*Those who voted in the negative were,*

Messrs. Humphreys, Larue, Moore, Neal, Schermerhorn, Sloss, and Mr. Speaker—7.

So the bill passed.

*Ordered*, That the clerk inform the Senate thereof.

By Mr. Schermerhorn,

No. 306. A bill to repeal sections 32, 33, 34, and 35, of an act entitled, an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, appraisers of real property, county treasurers and auditors, and of the treasurer and auditor of State, approved June 21st, 1852.

Which was read a first time, and passed to a second reading.

By Mr. Lane,

No. 307. A bill defining the duties of county auditors and treasurers, in relation to issuing and paying county orders.

Which was read a first time and passed to a second reading.

By Mr. Studabaker,

No. 308. A bill relative to the printing, binding, and distribution of the session acts, House, Senate, and documentary journals; declaring who shall be entitled to a copy of the same, authorizing the Secretary of State to dispose of copies of acts by sale, when called for; and allowing such Secretary a compensation for superintending such printing, binding, and distribution.

Which was read a first time and passed to a second reading.

By Mr. Robbins,

No. 309. A bill to regulate the sale of spirituous, vinous, malt, or other intoxicating liquors, to prescribe the punishment for the violation of the same, and to lessen the evils of intemperance.

Which was read a first time and passed to a second reading.

By Mr. Kerr,

No. 310. A bill to amend the 749th section and the 759th section of an act entitled, "an act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852.

Which was read a first time and passed to a second reading.

By Mr. Lane.

No. 311. A bill explanatory of the 15th section of an act to establish a bank with branches, and amendatory thereto.

Which was read a first time and passed to a second reading.

On motion by Mr. Blake,

House bill No. 162. A bill for the creation of townships, election of trustees, duties of trustees, and mode of assessing township tax, and doing township business.

Was made the special order of the day for to-morrow at 2 o'clock, P. M.

On motion by Mr. Grose,

House bill No. 55. A bill to prevent the circulation of an unauthorized currency.

Was made the special order of the day for to-morrow, at 10 o'clock A. M.

By Mr. Studabaker,

No. 312. A bill granting a lien upon crops of annual growth, when parties agree that such rent shall be paid in kind, which lien shall not exceed one half of such crop.

Which was read a first time, and passed to a second reading.

By Mr. Boyd,

No. 313. A bill to amend the first section of an act concerning enclosures, trespassing animals, and partition fences, approved June 4, 1852.

Which was read a first time, and passed to a second reading.

By Mr. Blake,

No. 314. A bill to authorize the formation of new counties, and to change county boundaries.

Which was read a first time, and passed to a second reading.

By Mr. Denby,

No. 315. A bill concerning promissory notes, bills of exchange, bonds, or other instruments in writing, signed by any person who promises to pay money, or acknowledges money to be due, or to perform any stipulation therein mentioned, making the same negotiable by endorsement thereon, regulating recovery under the same, damages, charges, rate of exchange, days of grace, and other matters pertaining to the value, transfer and collection of such instruments.

Which was read a first time, and passed to a second reading.

By Mr. Lane,

No. 316. A bill repealing an act to establish a bank with branches, passed March 3, 1855.

Which was read a first time, and passed to a second reading.



The Speaker laid before the House the following communication from the sinking fund commissioners :

OFFICE OF THE COMMISSIONERS OF SINKING FUND, }  
INDIANAPOLIS, February 19, 1857. }

HON. BALLARD SMITH,

*Speaker of the House of Representatives :*

SIR:—In compliance with a resolution of the House of Representatives, I have the honor to state, that the number of the Indiana bonds for bank loan, which, under the authority given them by law, the commissioner of the sinking fund have redeemed by purchase to this date, is one hundred and ninety-four, (194) each being \$1,000, making \$194,000, costing \$170,698 32, and clearing to the State by the discount procured in purchasing \$23,301 68.

These bonds have been purchased as follows :

Date of purchase.	FROM WHOM BOUGHT.	Amount.	Rate on the \$100	Discount.
Nov. 3, 1845.	Demas Deming....	\$4,000 00	83½	\$666 67
July 23, 1847.	Merchants' Bank, New York.....	13,000 00	80	2 600 00
Dec. 23, 1847.	Merchants' Bank, New York.....	20,000 00	82½	3,505 00
Nov. 15, 1848.	James F. D. Lanier.....	4,000 00	87½	500 00
Dec. 4, 1848.	James F. D. Lanier.....	6,000 00	85	900 00
Dec. 14, 1849.	Madison Branch of State Bank.....	30,000 00	90	3,000 00
March 5, 1850.	Madison Branch of State Bank.....	6,000 00	90	600 00
March 13, 1850.	Lawrenceburgh Branch Bank.....	1,000 00	90	100 00
May 15, 1851	Winslow, Lanier & Co.....	2,000 00	90	200 00
Jan. 19, 1855.	William S. Hubbard.....	1,000 00	83½	166 67
Jan. 24, 1855.	Joseph M. Moore.....	1,000 00	83½	166 67
Feb. 6, 1855.	J. B. Chaffee.....	1,000 00	82	1-0 00
Feb. 20, 1855.	Joseph M. Moore.....	1,000 00	83½	166 67
Jan. 19, 1856.	At Merchants Exchange, New York.....	2,000 00	83½	330 00
May 29, 1856.	Omer Touzey.....	1,000 00	87½	125 00
Dec. 1, 1856.	E. G. Burkham.....	7,000 00	90	700 00
Dec. 1, 1856.	Morrison, Blanchard & Co.....	60,000 00	90	6,000 00
Jan. 30, 1857.	Winslow, Lanier & Co.....	1,000 00	90	900 00
Feb. 13, 1857.	Winslow, Lanier & Co.....	33,000 00	90	3,300 00
Total of Bonds.....		\$194,000 00		\$23,301 68

These bonds have been canceled by a cancelling hammer, on the signature, and three holes on the bonds without any disfiguring, and the coupons or interest warrants attached to each bond, are crossed over with red ink as discharged, but are still legible.

The bonds are in safe keeping in the safe in the vault of the State bank of Indiana, which vault is used by the officers of the commissioners of the sinking fund.

Respectfully submitted,

E. DUMONT,

On motion by Mr. Lane,

The report was laid on the table, and 500 copies ordered to be printed.

The Speaker laid before the House communication from the sinking fund commissioners:

SINKING FUND OFFICE, }  
February 21, 1857. }

Hon. B. SMITH,

*Speaker of the House of Representatives :*

In pursuance of a resolution adopted on the 20th inst., by the body over which you preside, to the effect that the commissioners of the sinking fund report the reasons why there is such a disparity in the amount loaned in the different counties.

They reply that the inequality referred to, existed many years ago, and before their connection with the fund.

They presume that it results from inequality of applications, and from the fact that as far as they know, there never has been any law requiring an equality between the citizens of the various counties of the State.

There has, nevertheless, at all times been more applicants for loans than money to supply, and a number of years ago, the board found it necessary to adopt the system of keeping an application book and recording each application as made, and of finally granting the loan as a general thing, in the same order, irrespective of the resident of the applicant, so he was a citizen of the State.

That system was in vogue when the present board first entered upon the discharge of their duties, and has been continued by them generally to this time. Recently the present board, thinking that perhaps in the absence of law they had a right to discriminate, have done so in favor of counties in which but a small amount has been loaned, but still they have not been able to fall upon any system resulting in equalizing the loans. Withholding from a county presenting numerous applications, will not equalize, because inequality existed when this board entered upon their duties, and because a number of the counties have not applied at all, and you cannot compel counties to apply, nor lend money to a man unless he wants to borrow it. As it respects the funds loaned in the counties by county officers, it is probable the same inequality will be found to exist between different townships, resulting from like causes.

The applications from Marion county, during the 23 years since this board was organized, have been very numerous, owing doubtless to its proximity. The loans that have been granted to the benevolent institutions are classed in the Marion county list, though perhaps it would have been more proper not to have so classed those loans. The loans exceeding \$500, made by Judge Morrison, during his presidency, have aided in no small degree in swelling the Marion county list, though such loans were not numerous.

The president of the board has generally, during the vacation thereof, been the loaning agent of the board. Judge Morrison in his time, construed the act of 1845, as authorizing loans to a greater amount than \$500 to a borrower. Mr. Dumont, his successor, put a different construction upon the act, conceiving that the loans were limited to \$500, and has acted accordingly, so that no loan to any person exceeding that sum has been by him granted. Whether Judge Morrison's or Mr. Dumont's is the better construction, it is believed, in view of the numerous applications for loans, good policy requires a continuance of the limitation to \$500 and under.

It may be well doubted whether equality of loans among the counties is attainable or even desirable, against the will of the citizens of such counties as do not desire to borrow.

If the inequality existing be an evil, it is one for which the present board are in no way to blame. But whatever system the legislature may see cause to adopt, it will be the pleasure of this board to do all in their power to execute. And whether there be legislation on this subject or not, it is their purpose if the system of loaning be continued, to give preference to applicants from counties not having heretofore received a proportional share of loans.

It is deemed only necessary to add, that the law under which the sinking fund commissioners act, in loaning the fund is the 115th section of the old bank charter, and the several acts therein referred to. The officers of State, in the loaning of the college fund, have acted on the same law governing the fund commissioners. It is understood that they have loaned that fund to the citizens of the State at large, without reference to their place of abode. This fact is only mentioned, to show the concurrent construction placed upon the acts, regulating the loaning of these funds.

Respectfully,

E. DUMONT,

*President.*

JOHN F. CARR,

P. M. PARKS,

BEATTIE McCLELLAND,

J. V. BEMUS DAFFER,

*Commissioners.*

On motion by Mr. Davis of Sullivan,

The report was laid on the table and 500 copies ordered to be printed.

## ORDERS OF THE DAY.

*House Bills on third reading.*

No. 167. A bill to apportion Senators and Representatives in the State of Indiana.

Was called up by Mr. Marvin.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Ayres, Bethell, Blake, Boyd, Branson, Bryan, Carnahan, Clark, Claypool, Conduitt, Crowe, Cullen, Denby, Dobbins, Duncan, Early, Edson, Harrison, Hayden, Herod, Humphreys, Kerr, Landiss, Lane, Larue, Massey, Marvin, Modesitt, Moore, McDaniel, McDonald of Lake, McGinnis, McKinney, Reyman, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Smith of Bartholomew, Steele, Stillwell, Studabaker, Taggart, Trippett, Wagner, Wallace, Wiley, Williamson, and Mr. Speaker.  
—52.

*Those who voted in the negative were,*

Messrs. Allen, Austin, Ballenger, Batterton, Branham, Brown, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Davis of Hendricks, Davis of Sullivan, Evans, Grose, Hawkins, Hutchings, Jefferis, Mercer, Moon, Neal, Price, Shuman, Sloss, Stone, Todd, Van Sandt, Ward, and Whitcomb—28.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

A message from the Senate by Mr. Harvey, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following bill of the House :

No. 132. A bill to amend an act entitled an act declaratory of the law regulating marriages, and enforcing the provisions thereof by proper penalties, approved March 5, 1852, with one amendment.

In which the concurrence of the House is respectfully requested.

Amend by inserting immediately after the words "Society of Friends" in the latter part of the bill, the words "and German  
H. J.—49.

Baptists," and change the word "Society" immediately before the word "provided" into "Societies."

The amendment to the bill contained in the foregoing message was concurred in.

On motion by Mr. Bethell,

The House resolved itself into committee of the Whole for the further consideration of House bill,

No. 237. A bill to regulate the sale of spirituous, vinous, malt, or intoxicating liquors.

Mr. Davis, of Sullivan, in the chair.

After having the same under consideration for some time, arose, and through their chairman, Mr. Davis of Sullivan, made the following report :

MR. SPEAKER :

The committee of the whole House, to whom was referred House bill No. 237, have had the same under consideration, adopted sundry amendments thereto which they have directed me to report to the House for their adoption, and when so amended, recommend the passage of the bill.

Amend 18th sec. after the word sell, in the second line, insert the following, "directly or indirectly."

Amend 2d sec., such notice and application shall also state the kind or class of liquors the applicant proposes to sell, and also the specific purpose for which he desires license.

Amend the first line of the 2d section by striking out the word citizen and inserting instead thereof the word inhabitant.

Amend sec. 13, by striking out the words "to be drank by such minor."

Amend section 4, strike out the words not less than five nor more than fifty dollars, at the close of the section, and insert not less than fifty nor more than one thousand dollars.

Amend sec. 19 by adding, to be distributed in the counties where the same are raised.

Mr. Lane offered the following amendment:

Amend section 4 by adding :

*Provided*, That nothing in this section shall be construed to prevent said board of county commissioners from granting license

to applicants who wish only to sell native wine, or malt liquor, or pure liquor for medicinal or sacramental purposes, for less than fifty dollars. But the right and authority are expressly given to said board to grant license for the exclusive purpose of selling native wine, or malt liquor, or pure liquor, for medicinal and sacramental purposes, at not less than ten dollars, in the discretion of said board of county commissioners.

¶ The ayes and noes were demanded by Messrs. Lane and Wagner.

*Those who voted in the affirmative were,*

Messrs. Allen, Ayres, Bethell, Branson, Brown, Carnahan, Clapp, Conner of Hamilton, Conduitt, Crowe, Denby, Dobbins, Duncan, Early, Edson, Hayden, Humphreys, Jefferis, Landiss, Lane, Massey, Modesitt, Moore, McDonald of Lake, McGinnis, McKinney, Robbins, Sherrod, Shoulders, Trippet, Wiley, and Mr. Speaker—32.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Austin, Ballenger, Batterton, Blake, Boyd, Branham, Bryan, Clark, Colgrove, Cullen, Davis of Hendricks, Davis of Sullivan, Evans, Gordon, Grose, Hawkins, Herod, Hutchings, Kerr, Larue, Marvin, Mercer, Moon, McDaniel, Neal, Price, Reyman, Ricketts, Schermerhorn, Shuman, Sloss, Smith of Bartholomew, Steele, Stillwell, Stone, Studabaker, Taggart, Van Sandt, Wagner, Wallace, Ward, Whitcomb, and Williamson—45.

Mr. Walpole, refused to vote.

So the amendment was not agreed to.

Mr. Branson moved to amend by striking out all after the enacting clause, and insert in lieu thereof the following :

SEC. 1. That any manufacturer or rectifier of spirituous or intoxicating liquors, or any other person who shall adulterate the same with any deleterious, or other fluid or substance for the purpose of sale, shall be deemed guilty of felony, and on conviction thereof, shall be imprisoned in the State prison for any term not less than six months, nor more than five years: *Provided, however,* That nothing in this act shall be so construed as to include preparations of medicines of which spirituous liquor is a part.

SEC. 2. If any person shall knowingly sell or vend any adulterated liquor, he shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not less than fifty nor more than five hundred dollars for each and every offense.



SEC. 3. If any spirituous liquor shall be suspected of being adulterated, it shall be lawful for any person to have the same tested by any competent chemist, whose duty it shall be to condemn said inspected liquor, if, analyzing it, he finds it to be adulterated, and shall certify the same on oath.

SEC. 4. If any person shall, by himself or agent, either directly or indirectly sell any spirituous or intoxicating liquor, and suffer the same to be drank in or about his house, out-house, yard or premises, he shall be fined in any sum not less than ten nor more than one hundred dollars for each and every offense.

SEC. 5. If any person shall sell any spirituous or intoxicating drink to any person in a state of intoxication, shall be fined in any sum not less than ten nor more than one hundred dollars, and shall be liable for any damage or mischief done by such drunken person, while under the influence of the liquor so sold to such drunken person.

SEC. 6. Any wife, parent or guardian, who shall be injured in person or property or means of support by any intoxicated person while under the influence of liquor, sold in violation of the provisions of this act, shall have the right of action in his or her own name against any person who shall, by sale of intoxicating liquor, in violation of the provisions of this act, have caused the intoxication of such person.

SEC. 7. For all purposes under this act, whether to institute or prosecute the suit, to control the recovery or otherwise, a married woman shall have the same right as though she were unmarried.

SEC. 8. Any person, who shall by himself or agent, sell any intoxicating liquors to any minor, to be drank by any such minor, without the consent of the parent or guardian, shall be fined in any sum not less than five nor more than fifty dollars.

SEC. 9. Any person who shall refuse or fail to pay, and fail to give sufficient surety for the payment of any fine or penalty adjudged against him for the violation of the provisions of this act, shall, in the discretion of the court, be imprisoned in the county jail any time not exceeding six months.

SEC. 10. Justices of the peace, within their respective counties, mayors or judges of cities within their respective corporations and circuits and common pleas judges within their respective jurisdiction, shall have concurrent jurisdiction to hear and determine all complaints for the violation of any of the provisions of this act: *Provided nevertheless*, That in cases arising under the provisions of the first section of this act, the circuit court shall have original jurisdiction, and the grand jury shall have cognizance of offenses against said section, as in other cases of felony.

SEC. 11. All laws and parts of laws coming within the purview of this act are hereby repealed.

The ayes and noes were demanded by Messrs. Moore and Walpole.

*Those who voted in the affirmative were,*

Messrs. Branson, Bryan, Colgrove, Davis of Sullivan, Duncan, Herod, Jefferis, Landiss, Larue, Massey, Marvin, Modesitt, Moore, McKinney, Price, Robbins, Van Sandt, Wagner, Walpole, and Wiley—20.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Allen, Ayres, Austin, Ballenger, Batterton, Bethell, Blake, Boyd, Branham, Brown, Carnahan, Clapp, Clark, Conner of Hamilton, Conner of Wabash, Conduitt, Crowe, Cullen, Davis of Hendricks, Denby, Dobbins, Early, Edson, Evans, Grose, Harrison, Hawkins, Humphreys, Hutchings, Kerr, Lane, Mercer, Moon, McDaniel, McDonald of Lake, Neal, Reyman, Ricketts, Schermerhorn, Sherrod, Shoulders, Shuman, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Stone, Studabaker, Taggart, Wallace, Ward, Whitcomb, Williamson, and Mr. Speaker—58.

So the amendment was not agreed to.

Mr. Walpole moved to amend as follows :

Amend section 3, third line, after the word to the words "payable to the State of Indiana."

Which was agreed to.

Mr. Smith of Bartholomew moved as follows :

Amend in third line of second section, "in three public places."

Which was agreed to.

Mr. Studabaker offered the following amendment :

The provisions of this act shall take effect and be in force from and after the 1st Monday in June next.

Which was agreed to.

Mr. Kerr offered the following amendment :

Amend the 1st line of the third section, by striking out the words "may at their discretion," and inserting the word "shall" instead thereof.

The ayes and noes were demanded by Messrs. Kerr and Marvin.

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Bethell, Blake, Brown, Carnahan, Clark, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Duncan, Early, Edson, Harrison, Hayden, Herod, Humphreys, Kerr, Landiss, Massey, Marvin, Modesitt, Moon, McDonald of Lake, McGinnis, Mc-

Kinney, Reyman, Robbins, Ricketts, Sherrod, Shoulders, Smith of Bartholomew, Stillwell, Studabaker, Taggart, Trippet, Wallace, Wiley, Williamson, and Mr. Speaker.—42.

*Those who voted in the negative were,*

Messrs. Adams, Austin, Ayres, Ballenger, Batterton, Boyd, Branham, Branson, Colgrove, Conner of Wabash, Conner of Hamilton, Conduitt, Davis of Hendricks, Evans, Grose, Hawkins, Hutchings, Jefferis, Larue, Mercer, Moore, McDaniel, Neal, Schermerhorn, Shuman, Sloss, Steele, Stone, Van Sandt, Wagner, Walpole, Ward, and Whitcomb—34.

So the amendment was agreed to.

On motion,  
The House adjourned.

TUESDAY MORNING, 9 o'clock, }  
February 24, 1857. }

The House met.

The Clerk proceeded to read the journal,  
When,

On motion by Mr. Bethell,  
The further reading of the journal was dispensed with.

#### PETITIONS, MEMORIALS, AND REMONSTRANCES.

By Mr. Larue,

A petition signed by William C. Bunch in reference to granting him a divorce.

On motion by Mr. Colgrove,  
Was referred to the committee on benevolent and scientific institutions.

#### REPORTS FROM COMMITTEES.

Mr. Branson, from the committee on county and township business, made the following report:

**MR. SPEAKER :**

The committee on county and township business, to whom was referred House bill No. 230, being a bill to amend the second section of an act, entitled an act to provide for the relocating of county seats, and for the erection of public buildings in counties in ease of such relocation, approved March 2, 1855, and to provide for the relief of property holders in towns from which county seats may be removed, have had the same under consideration, and directed me to report the same back, and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Dobbins, from the committee on county and township business, made the following report :

**MR. SPEAKER :**

The committee on county and township business, to whom was referred House bill No. 147, being an act to amend the 15th section of an act for the more uniform mode of doing township business, approved May 6, 1852, have had the same under consideration, and directed me to report the same back, and recommend that it be laid upon the table.

Which report was concurred in, and the bill laid on the table.

Mr. Davis of Sullivan, from the committee on railroads, made the following report :

**MR. SPEAKER :**

The committee on railroads, to whom was referred House bill No. 140, a bill prescribing the duties of railroad companies at the places of crossing their roads, and prescribing penalties for the violation thereof, have had the same under consideration, and have directed me to report the same back to the House, and ask that it be laid upon the table, the main features of the bill having been provided for in another bill which has passed this House.

Which report was concurred in, and the bill laid on the table.

Mr. Blake, from a select committee, made the following report :

**MR. SPEAKER :**

The select committee, to whom was referred House bill No. 123, a bill to amend the third and ninth sections of the fourth article of the constitution of the State of Indiana, with instructions to strike out of the enacting clause the word "enacted," and insert

the word "proposed," have made the change, and report the bill back, and recommend its passage.

Which report was concurred in, the amendment adopted, and

The question being, shall the bill pass?

Pending which,

Mr. Williams of Knox moved to recommit, with instructions to limit the length of the sessions of the General Assembly to 40 days, and to add the following :

SEC. 3. Senators shall be elected for the term of three years, and Representatives for the term of one year from the day next after their election : *Provided*, That the first meeting of the General Assembly after the adoption of this amendment, that Senators shall be divided by lot into three equal classes as nearly as may be, and the seats of Senators of the first class shall be vacated at the expiration of one year, those of the second class at the expiration of two years, and those of the third class at the expiration of three years ; and in case of increase in the number of Senators, they shall be so annexed by lot, to one of the three classes, as to keep them as nearly equal as possible.

Pending which,

Mr. Carnahan moved to indefinitely postpone the bill and pending instructions.

The ayes and noes were demanded by Messrs. Carnahan and Dobbins.

*Those who voted in the affirmative were,*

Messrs. Adams, Allen, Austin, Ayres, Boyd, Branson, Bryan, Carnahan, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crowe, Davis of Hendricks, Davis of Sullivan, Dobbins, Duncan, Early, Edson, Harrison, Hawkins, Herod, Humphreys, Landiss, Lewis, Massey, Modesitt, Moore, McGinnis, McKinney, Neal, Neff, Reyman, Robbins, Sherrod, Shoulders, Sloss, Stillwell, Taggart, Trippet, Walpole, Ward, Whitcomb, Wiley, and Williams of Knox—46.

*Those who voted in the negative were,*

Messrs. Abel, Ballenger, Batterton, Bethell, Blake, Branham, Brown, Cullen, Denby, Douglass, Evans, Hayden, Hoagland, Hutchings, Jefferis, Kerr, Lane, Larue, Marvin, Mercer, Moon, McDaniel, Price, Schermerhorn, Shuman, Smith of Bartholomew, Smith of Delaware, Steele, Stone, Todd, VanSandt, Wagner, Williamson, Yater, and Mr. Speaker—36.

So the resolution and pending instructions were indefinitely postponed.

Mr. Smith of Bartholomew, from the committee on education, made the following report :

MR. SPEAKER :

The committee on education, to whom was referred Senate bill No. 28, to enable assignees of school land certificates to obtain deeds where the assignment has not been acknowledged, have had the same under consideration, and have directed me to report the same to the House, and recommend its passage.

On motion by Mr. Walpole,

The bill was referred to a select committee of three, consisting of Messrs. Walpole, Smith of Bartholomew, and McDonald of Lake.

Mr. Crowe, from the committee on education, made following report:

MR. SPEAKER :

The committee on education, to whom was referred the petition of the auditor of Ohio county, requesting an increase in the fees of county auditors, have had the same under consideration, and directed me to report to the House, that in their opinion any such increase is inexpedient.

Which report was concurred in.

Mr. Ayres, from the committee on education, made the following report :

MR. SPEAKER :

The committee on education, to whom was referred the petition of a number of citizens of Vigo county, requesting the legislature to abolish township school trustees, have had the same under consideration, and have directed me to report to the House that in their opinion the proposed change is inexpedient.

Which report was concurred in.

#### RESOLUTIONS.

Mr. Lane offered the following resolution :

*Resolved*, That this House will entertain no new proposition or new bill after Saturday next, except from standing committees.

Which was not agreed to.



On motion by Mr. Hoagland,

*Resolved*, That hereafter this House meet at eight and a half o'clock, A. M., and one and a half o'clock, P. M., until otherwise ordered.

By unanimous consent,

Mr. Colgrove, from a special committee on the reports of county auditors, made the following report :

MR. SPEAKER :

The committee to whom was referred the reports of county auditors relative to the expenses of common pleas courts, and township business, and the fees of county auditors and treasurers, with instructions to report in tabular form, respectfully submit the following, and ask to be discharged from the further consideration of the subject :

*An Official Table Showing the cost of Common Pleas Courts in each County of the State in a given time.*

COUNTIES.		Judge's Salary.	Sheriff's Fees	Bailiff's Fees.	Juror's Fees.	Clerk's Fees.	Incidental Expenses.	Total.
Allen.....	{1855 1856 1855 1856}	\$894 64	\$98 28 67 83	\$212 00 338 50	\$523 05 742 27	.....	\$97 14 137 18	\$3,100 89 455 00 455 00 887 83
Adams.....	{1855 1856}	.....	.....	.....	.....	.....	.....	.....
Benton.....	{1856 1855 1856}	192 72 294 94 294 24	95 00 93 03 22 45	39 00 185 00 200 81	561 10 319 11 545 40	.....	.....	.....
Cass.....	{1855 1856 1855 1856}	.....	.....	.....	.....	.....	.....	.....
Clark.....	{1855 1856 1855 1856}	437 00 437 00	48 26 50 40	132 50 186 00	272 12 186 30	.....	14 60 85 09 10 85 3 70	1,983 99 1,760 10
Clinton.....	{1855 1856 1855 1856}	622 16	90 70	B'iffs & Jur's.	735 53	.....	.....	1,454 39
Crawford.....	{1855 1856 1855 1856}	231 60	98 35	114 50	499 81	.....	74 70	1,018 90
Davless.....	{1855 1856}	.....	.....	.....	.....	.....	.....	714 35 773 96
Delaware.....	{1855 1856 1855 1856}	264 12	198 45	116 00	521 49	.....	49 10	1,149 16
Dubois.....	{1855 1856 1855 1856}	.....	.....	.....	.....	.....	.....	977 80
Elkhart.....	{1855 1856 1855 1856}	363 00 363 00	169 08 170 60	131 00 112 25	703 75 570 00	.....	31 93 59 41	9,710 30
Fayette.....	{1855 1856 1855 1856}	.....	.....	.....	.....	.....	.....	9,040 51
Floyd.....	{1855 1856 1855 1856}	600 00 600 00	124 40	161 62 141 75	318 91 308 50	.....	.....	2,295 19
Fountain.....	{1855 1856 1855 1856}	600 00 600 00	11 45 49 40	60 00 70 00	281 12 380 30	.....	40 00 7 10 44 30	9,113 70
Gibson.....	{1855 1856 1855 1856}	554 00	510 00	371 00	.....	.....	.....	1,435 00
Grant.....	{1855 1856 1855 1856}	266 92 269 92	38 00 38 00	67 50 78 50	267 06 417 83	.....	13 00 7 35	1,450 96
Greene.....	{1855 1856 1855 1856}	.....	.....	.....	.....	.....	.....	1,228 52
Hancock.....	{1855 1856 1855 1856}	262 40	77 05	60 00	247 94	.....	.....	989 07
Harrison.....	{1855 1856 1855 1856}	249 80 249 80	60 00 65 00	26 50 30 00	216 00 80 50	.....	15 89 20 00 20 00	663 28 573 30 445 30
Henry.....	{1855 1856}	600 00 600 00	50 00 48 00	143 00 99 00	493 40 346 76	.....	12 00 11 00	1,304 40 1,104 76

## An Official Table.—Continued.

COUNTIES.		Judge's Salary.	Sheriff's Fees.	Baliff's Fees.	Juror's Fees.	Clerk's Fees.	Incidental Expenses.	Total.
Howard	{ 1855 1856 }	\$349 52	\$164 36	\$298 00	\$790 54	.....	\$27 75	\$1,530 17
Huntington	{ 1855 1856 }	.....	.....	.....	.....	.....	.....	1,122 74
Jackson	{ 1855 1856 }	.....	.....	.....	.....	.....	.....	900 43
Jasper	{ 1855 1856 }	.....	.....	.....	.....	.....	.....	878 15
Jefferson	{ 1855 1856 }	.....	.....	.....	.....	.....	.....	938 35
Jennings	{ 1855 1856 }	500 00	45 00	34 75	239 05	.....	.....	1,327 00
Knox	{ 1855 1856 }	500 00	45 00	43 50	143 15	.....	10 25	829 05
Kosciusko	{ 1855 1856 }	273 92	Sh'f & B'f.	186 95	354 51	.....	17 66	738 90
Lagrange	{ 1855 1856 }	237 00	88 60	69 50	234 19	.....	53 27	2,000 00
Lake	{ 1855 1856 }	237 00	95 09	95 00	251 95	.....	10 00	832 44
Lawrence	{ 1855 1856 }	111 88	39 53	10 00	106 26	.....	20 00	1,465 01
Marshall	{ 1855 1856 }	111 88	73 58	28 00	186 82	.....	30 00	311 67
Martin	{ 1855 1856 }	.....	.....	.....	.....	.....	.....	469 28
Miami	{ 1855 1856 }	619 32	229 74	518 05	821 61	152 73	181 00	430 00
Monroe	{ 1855 1856 }	293 48	29 29	129 00	544 96	.....	65 35	1,000 00
Montgomery	{ 1855 1856 }	732 56	339 45	.....	778 05	152 62	.....	1,032 78
Morgan	{ 1855 1856 }	380 80	100 00	158 00	334 75	.....	.....	2,322 45
Orange	{ 1855 1856 }	173 80	66 59	267 35	225 50	.....	.....	2,322 08
Owen	{ 1855 1856 }	452 38	83 04	33 50	180 05	.....	3 60	2,002 68
Park	{ 1855 1856 }	382 00	118 75	94 75	382 86	20 00	18 00	973 55
Pike	{ 1855 1856 }	191 12	102 05	92 25	684 22	33 00	15 00	999 85
	{ 1855 1856 }	191 12	106 23	59 09	940 01	.....	.....	477 54
	{ 1855 1856 }	191 12	96 50	51 75	197 62	10 00	35 91	713 01
	{ 1855 1856 }	191 12	96 50	51 75	167 47	11 00	11 25	1,336 54
	{ 1855 1856 }	191 12	96 50	51 75	155 10	.....	.....	1,656 33
	{ 1855 1856 }	191 12	96 50	51 75	155 10	.....	.....	570 02
	{ 1855 1856 }	191 12	96 50	51 75	155 10	.....	.....	316 72

Porter.....	1855	147 12	76 00	33 60	216 25	42 00	75 00	583 37
	1856	147 12	80 00	60 50	253 29	39 00	30 00	618 01
Polaeki.....	1855							1,100 00
	1856							967 37
Putnam.....	1855	274 00	88 15	129 40	361 17	20 00	20 00	812 72
	1856	274 00	30 35	60 50	273 15	30 00	20 00	607 50
Ripley.....	1855	312 80	50 00	221 45	88 79		10 00	683 04
	1856	312 80	30 00	234 75	141 60		10 00	749 15
Rush.....	1855							799 92
	1856							1,649 60
Scott.....	1855	469 36	160 00	219 50	552 27		248 07	200 00
	1856							244 00
Spencer.....	1855							1,625 75
	1856							700 41
Starko.....	1855	508 97	219 87	74 80	807 30		14 81	807 06
	1856							850 93
Steuben.....	1855							800 00
	1856							2,080 06
St. Joseph.....	1855							546 11
	1856							1,921 53
Sullivan.....	1855							2,949 14
	1856							1,286 00
Switzerland.....	1855	425 60	82 30	90 75	288 96		64 29	1,550 01
	1856	425 60	97 70	127 72	408 76		67 48	1,281 90
Tipton.....	1855	92 64	100 00	78 00	227 47	48 00		1,737 23
	1856							928 72
Union.....	1855	317 20	299 05		605 28			1,113 42
	1856							466 60
Vanderburgh.....	1855	338 44	41 00	187 50	537 27		8 00	3,362 66
	1856	338 44	41 46	424 20	805 57		10 00	891 18
Vermillion.....	1855	536 00	152 00	48 00	600 00		283 33	1,956 27
	1856							1,132 41
Vigo.....	1855	610 00	183 30	295 50	436 21	35 00		92,419 49
	1856	600 00	243 05	257 87	260 98	20 00		1,828 73
Wabash.....	1855							\$99,248 27
	1856							
Warren.....	1855	309 52	99 75	73 75	437 50			
	1856	309 52	148 30	105 00	550 60			
Washington.....	1855	274 68	65 30	36 75	79 72			
	1856							
Wayne.....	1855	1,200 00	150 00	181 29	1,548 05			
	1856							
Wells.....	1855	263 60	164 51	88 00	375 07			
	1856	276 60	236 57	79 50	473 60			
White.....	1855	244 80	126 46	170 50	590 59			
	1856							
Total in 64 Counties.....		1,000 00	130 00	114 00	484 78		100 00	
Add the County of Bartholomew.....								
Total in 65 Counties as reported.....								

## AN OFFICIAL TABLE,

*Showing the amount of taxes collected and paid out for township expenses in the different counties of the State, for the last current year ; also, the amount paid to township officers for their services, and the amount received by the Auditor and Treasurer of their respective counties, as fees and perquisites during said year.*

COUNTIES.	Taxes collected and paid out.	Am't received by Auditor.	Am't received by Treasurer.	Am't p'd town- ship officers.
Allen.....	\$ 1,965 68	1,811 34	1,879 25	not known.
Adams.....	1,117 84	788 35	839 94	" "
Benton.....	529 00	364 35	561 10	" "
Cass.....	1,601 62	1,358 18	1,560 21	" "
Clark.....	1,352 94	869 73	1,291 00	" "
Clinton.....	1,562 65	1,004 02	1,233 27	about \$720 00
Crawford.....	unknown	463 94	451 95	not known.
Davies.....	1,312 65	863 12	927 08	" "
Delaware.....	2,384 17	1,499 25	1,473 01	" "
Dubois.....	1,305 61	677 80	813 80	probably \$780 00
Elkhart.....	4,116 26	1,106 95	2,076 88	not known.
Fayette.....	1,434 81	Aud. & Treas.	1,801 00	\$1,075 00
Floyd.....	3,103 55	675 16	2,249 71	344 19
Fountain.....	1,873 53	949 94	1,705 35	not known.
Gibson.....	not rep'd	784 00	910 00	" "
Grant.....	1,469 98	1,565 79	1,470 85	" "
Greene.....	1,433 69	900 00	875 00	" "
Hancock.....	1,605 00	1,334 70	1,800 00	" "
Harrison.....	1,586 50	1,050 00	925 00	" "
Henry.....	2,989 07	910 77	1,712 65	" "
Howard.....	1,978 85	Aud. & Treas.	2,303 78	" "
Huntington.....	835 92	1,051 70	1,177 21	" "
Jackson.....	741 63	1,177 13	960 49	" "
Jasper.....	3,812 00	900 00	856 12	" "
Jefferson.....	3,673 83	not rep'd	not rep'd	" "
Jennings.....	1,416 24	762 39	1,039 90	" "
Knox.....	1,447 00	951 60	*313 00	" "
Kosciusko.....	1,337 53	916 80	1,269 19	" "
Lagrange.....	1,182 60	441 54	734 72	" "
Lake.....	1,653 13	975 36	907 69	" "
Lawrence.....	1,507 00	769 97	956 00	" "
Marshall.....	1,243 61	616 36	809 48	" "
Martin.....	659 62	00 00	44 77	\$106 50
Miami.....	1,496 24	1,127 84	1,991 44	not known
Monroe.....	1,881 09	686 31	188 75	probably \$395 00
Montgomery.....	2,971 28	1,750 00	1,753 40	not known
Morgan.....	1,888 48	1,400 92	1,235 01	probably \$1,000 00
Orange.....	1,684 78	784 88	968 26	\$647 45
Owen.....	1,821 70	659 38	1,012 65	not known
Parke.....	2,888 91	1,126 95	931 85	" "
Pike.....	855 47	806 00	811 52	" "
Porter.....	5,087 80	1,095 22	1,179 55	amt' rep'd \$145 00
Pulaski.....	520 13	635 84	not rep'd	not known
Putnam.....	2,296 95	not rep'd	not rep'd	\$680 00
Ripley.....	1,771 49	765 35	915 59	probably \$600 00
Rush.....	2,882 46	1,051 74	2,044 27	supposed \$300 00
Scott.....	516 28	592 20	461 25	rep'd \$423 47
Spencer.....	3,251 75	932 10	863 34	not known
Starke.....	569 00	238 17	494 00	" "
Steuben.....	1 045 95	543 11	633 32	\$594 00
St. Joseph.....	2,153 18	1,031 87	2,418 40	not known
Sullivan.....	1,660 00	800 60	800 00	" "
Switzerland.....	663 66	1,154 57	1,146 95	" "
Tipton.....	912 46	628 19	700 60	" "
Union.....	1,265 55	403 92	934 41	" "
Vanderburgh.....	7,132 82	1,889 73	1,704 87	to trustees \$359
Vigo.....	2,466 59	1,311 76	2,305 92	probably \$600 00
Vermillion.....	1,110 72	734 94	924 84	not known
Wabash.....	1,526 07	1,201 89	1,144 54	\$540 00

## AN OFFICIAL TABLE.—Continued.

COUNTIES.	Taxes collected and paid out.	Amount receiv- ed by Auditor.	Amount receiv- ed by Treasurer.	Amount paid Township Off- cers.
Warren.....	1,447 87	890 00	1,360 00	not known
Washington.....	1,500 00	851 85	800 00	" "
Wayne.....	2,709 74	1,601 99	2,928 68	probably \$1,000 00
Wells.....	1,038 18	1,066 83	1,393 81	not known
White.....	1,269 00	740 00	850 00	" "
Total as reported.....	114,540 12	56,253 21	72,300 22	
Add Bartholomew.....	2,056 68	987 49	1,589 08	not known
Total.....	116,596 80	57,240 70	73,882 30	

• Per cent. on tax not included.

On motion by Mr. Colgrove,  
The report was laid on the table, and 500 copies ordered to be printed.

On motion by Mr. Batterton,

*Resolved*, That the use of this hall be granted to President Young, of the North Western Christian University, for the purpose of delivering a lecture on the subject of education, on Tuesday evening, March 3d.

On Motion by Mr. Price,

*Resolved*, That while saving time is the order of the day, that no member of the House be granted leave of absence until after March 9th, unless for good cause shown.

## BILLS INTRODUCED.

By Mr. Evans,

No. 317. A bill to amend sec. 1 and 2 of an act approved Feb. 2d, 1855, an act supplemental to an act entitled "an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said act, approved May 29, 1852,

Was read a first time.

Mr. Evans moved that the rules be suspended and the bill read a second time by its title now.

The ayes and noes were taken under the constitution,



*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Austin, Ayres, Ballenger, Batterton, Bethell, Blake, Boyd, Branham, Branson, Brown, Carnahan, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Edson, Evans, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Jefferis, Landiss, Lane, Larue, Marvin, Mercer, Modesitt, Moon, McDaniel, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neal, Neff, Price, Reese, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Shuman, Sloss, Smith of Bartholomew, Steele, Stillwell, Stone, Studabaker, Taggart, Todd, Trippet, Van Sandt, Wagner, Wallace, Walpole, Ward, Whitcomb, Wiley, Williams of Knox, Williamson, and Yater—77.

*Those who voted in the negative were,*

Messrs. Clapp, Grose, Moore, and Mr. Speaker—4.

So the rules were suspended and the bill read a second time by its title,

On motion by Mr. Evans,  
The bill was referred to the committee on swamp lands.

Mr. Davis of Sullivan moved to take from the table,

House bill No. 220. A bill to prohibit the issue of bank notes for circulation, by the Bank of the State of Indiana, upon deposits, and to provide for the location of additional branches of said bank, with pending instructions.

■ The question being to recommit to the committee on the judiciary with instructions.

Pending which,

The hour having arrived for the special order of the day, the House proceeded to the consideration of House bill

No. 55. A bill to prevent the circulation of unauthorized currency.

Mr. Grose made the following report:

MR. SPEAKER :

The select committee to whom was referred House bill No. 55, an act to prevent the circulation of unauthorized paper currency,

have had the same under consideration, and a majority of the committee have directed me to report the same back with certain amendments, and when so amended, recommend its passage:

SEC. 1. That all bills, notes, checks, drafts, receipts, orders, certificates, or any other paper or papers in the similitude of bank notes, or otherwise purporting to be drawn for the payment or receipts of any sum or denomination whatever, and intended to be used or circulated as currency or money, made or issued by any person or corporation, except banking corporations legally authorized by law to issue bank notes, shall be illegal and void.

SEC. 2. Any person or officer of any corporation, who shall issue, re-issue, pay or put in circulation, any such illegal bill, note, check, draft, receipt, order, certificate, or other paper or papers, as currency or money, shall be deemed guilty of a misdemeanor, and shall be fined in any sum not less than fifty nor more than one hundred dollars for each offense, upon conviction thereof in any court of competent jurisdiction.

SEC. 3. Any person who shall sign, make or execute, or having signed, made or executed, put in circulation any such illegal bill, note, check, draft, receipt, order, certificate, or other paper, and shall fail or refuse to redeem the same on presentation by any holder thereof, with gold or silver, to the amount expressed therein, whether due or not due, shall be deemed guilty of a misdemeanor, and upon conviction in any court of competent jurisdiction, shall be fined in any sum not less than fifty nor more than one hundred dollars.

Mr. Claypool, from the special committee to whom was referred House bill No. 55, made the following minority report:

MR. SPEAKER:

The undersigned members of the select committee to whom was referred House bill No. 55, being a bill to prevent the circulation of unauthorized paper currency, respectfully dissent from the opinion of the majority of said committee, for the following reasons:

*First.*—Said bill as amended and reported back by the majority of said committee, with a recommendation that it pass, does not declare that the bills, notes, certificates, &c., in the first section thereof described, shall be void, when issued by banking corporations, but unjustly discriminates between such corporations and individuals and other corporations.

*Secondly.*—Said bill, as amended by the majority of said committee, again discriminates between individuals and corporations, in section 3, by making it a misdemeanor for any persons having issued such notes, bills, &c., to fail or refuse to redeem the same, while it makes no provisions for the members of corporations that

have made and issued such notes, bills, &c., in cases where they fail or refuse.

*Fourth.*—The bill intentionally makes poverty or inability to redeem such bills, notes, &c., a crime.

*Fifth.*—The bill is generally ambiguous and uncertain in meaning, and when so amended let it pass.

Amend the amendment by striking out all after the word bills in the first line, the amendment will read :

That all bills of any denomination whatever, issued by any individual or individuals, company or corporation, or agent or officer of any company or corporation in this State, either in the form of a certificate, or receipt for the deposit of money or of promises to pay the bearer, or any specific person, any sum whatever, for the purpose of being used as a circulating medium, or as a substitute for bank notes, shall be deemed fraudulent and absolutely void.

SEC. 2. Any person who shall, either upon his own account or as agent for another, or as agent or officer of any company or corporation, issue or put in circulation any bills, certificates, or receipts designed to be used as a circulating medium or as a substitute for bank notes as in the preceeding section specified, shall be fined in any sum not less than fifty nor more than five hundred dollars for each offense.

SEC. 3. Any solvent person who has or may have before the taking effect of this act, made and issued any such illegal issue or paper, and shall refuse or fail to pay and redeem the same on presentation, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not less than ten nor more than fifty dollars for each of such failure or refusal.

SEC. 4. Any individual member of any company, association, or corporation, that has or may have issued any such illegal issue or paper, before the taking effect thereof, who shall on presentation, fail or refuse to pay or redeem the same, shall be deemed guilty in the same manner as if he had individually made and issued the same, and punished as prescribed in the preceeding section.

SEC. 5. In all prosecutions under the provisions of the last two preceeding sections of this act, it shall not be necessary for the State to prove the defendant is insolvent, but insolvency shall be a matter of defense to be proved by the defendant.

SEC. 6. Nothing in this act shall be so construed as to interfere with the banking privileges of banks authorized by law to carry on the banking business, nor to make any person punishable, who either as officer, agent, or servant of any such bank, may be employed in making and issuing the bills and notes of such banks, nor to prevent the free circulation of the bills and notes of such banks.

Mr. Walpole moved that the bill and reports be referred to the committee on the judiciary.

Mr. Marvin moved a call of the previous question.

The call for the previous question was seconded by the House. The question being, shall the main question be now put?

It was agreed to.

The question being on the adoption of the amendment offered by Mr. Claypool,

The ayes and noes were demanded by Messrs. Kerr and Steele.

*Those who voted in the affirmative were,*

Messrs. Allen, Austin, Ayres, Ballenger, Bethell, Blake, Boyd, Branson, Brown, Bryan, Carnahan, Clark, Claypool, Colgrove, Crawford, Crowe, Cullen, Davis of Hendricks, Denby, Dobbins, Duncan, Early, Edson, Harrison, Hayden, Herod, Hoagland, Humphreys, Landiss, Lane, Lewis, Massey, Merrifield, Modesitt, Moon, Moore, McDaniel, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neff, Price, Reese, Reyman, Sherod, Shoulders, Sloss, Stone, Studabaker, Taggart, Trippet, Wagner, Walpole, Wiley, Williams of Knox, Williamson, and Yater—58.

*Those who voted in the negative were,*

Messrs. Abel, Clapp, Conner of Wabash, Conduitt, Davis of Sullivan, Douglass, Evans, Grose, Hawkins, Hutchings, Jefferis, Kerr, Larue, Marvin, Mercer, Neal, Ricketts, Robbins, Schermerhorn, Shuman, Smith of Bartholomew, Steele, Todd, Van Sandt, Ward, and Mr. Speaker—26.

So the amendment was adopted.

The minority report of the committee was concurred in, and the bill as amended, ordered to be engrossed.

On motion by Mr. Humphreys,

The House adjourned.

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1½ O'CLOCK, P. M.

The House met.

The House proceeded to the further consideration of House bill

No. 220, pending at the arrival of the hour for the consideration of No. 55 this morning.

The question being, shall the bill be recommitted to the committee on the judiciary, with the instructions submitted by Mr. Studabaker.

The ayes and noes being demanded by Messrs. Lane and Marvin.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Bowman, Boyd, Branson, Brown, Carnahan, Clark, Conner of Hamilton, Conner of Wabash, Conduitt, Crowe, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Harrison, Hayden, Herod, Hoagland, Humphreys, Jefferis, Kerr, Landiss, Lane, Lewis, Massey, Marvin, Moore, McDonald of Lake, McGinnis, McKinney, Neal, Neff, Price, Reese, Reyman, Robbins, Shoulders, Shuman, Sloss, Smith of Bartholomew, Steele, Stillwell, Stone, Studabaker, Taggart, Trippet, Van Sandt, Wagner, Wallace, Walpole, Whitcomb, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker—67.

*Those who voted in the negative were,*

Messrs. Bethell, Blake, Branham, Clapp, Colgrove, Crawford, Gordon, Hawkins, Hutchings, Larue, Mercer, Moon, McDaniel, McDonald of Fountain, and Ricketts—15.

Mr. Lane offered the following additional instructions :

That no additional stock shall be taken or subscribed to the bank of the State of Indiana, under the provisions of the present charter, that all of the additional shall be added and subscribed as follows : That the Treasurer, Secretary and Governor shall appoint two persons for each branch as subcommissioners, who shall open books, by notice of at least sixty days, requiring the books to be kept open from 9 until 12 o'clock on each of said days for thirty days, for the additional subscription of stock of two hundred thousand dollars for such branch. If more than the amount is subscribed, preference shall be given to citizens of the State. If more is subscribed by citizens than the amount required, the same shall be equalized according to the amount subscribed by each. Preference given to the new stockholders over those holding the present stock.

Pending which,

The hour having arrived, the House proceeded to the

#### SPECIAL ORDER OF THE DAY.

House bill No. 162. A bill for the creation of townships, elec-



tion of trustees, duties of township trustees, mode of assessing township tax, and doing township business.

Mr. Hutchings offered the following amendment :

Amend by striking out "one trustee," wherever it occurs, and insert "three trustees," in lieu thereof.

Provide that justices of the peace shall be ex officio overseers of the poor.

Amend section 11 by striking out "trustee," and inserting in lieu thereof, "the board doing county business may levy such tax."

Provide that the trustees shall be judges of election in their respective townships.

Mr. Price moved to amend the amendment as follows :

Amend section three as follows: Insert after one township trustee, three trustees.

Which was not agreed to.

Mr. Sherrod moved a call of the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was agreed to.

A division of the question being called,

The question being on the first proposition contained in the amendment.

The ayes and noes were demanded by Messrs Marvin and Hutchings.

*Those who voted in the affirmative were,*

Messrs. Adams, Austin, Ballenger, Branham, Clapp, Clark, Conner of Wabash, Crowe, Davis of Hendricks, Denby, Douglass, Duncan, Herod, Hoagland, Hutchings, Jefferis, Landiss, Lane, Lewis, Massey, Marvin, Mercer, Modesitt, Moon, McDaniel, McDonald of Lake, Neal, Price, Reese, Robbins, Smith of Delaware, Stone, Studabaker, Trippet, Van Sandt, Wagner, Wallace, Ward, and Williamson—40.

*Those who voted in the negative were,*

Messrs. Abel, Allen, Ayres, Batterton, Bethell, Blake, Bowman, Boyd, Branson, Brown, Bryan, Carnahan, Claypool, Colgrove, Conner of Hamilton, Conduitt, Crowe, Cullen, Davis of Sullivan, Dobbins, Early, Edson, Evans, Grose, Harrison, Hawkins, Hayden, Humphreys, Kerr, Larue, Moore, McDonald of Fountain, McGinnis, McKinney, Neff, Reyman, Ricketts, Schermerhorn, Sherrod, Shoulders, Shuman, Smith of Bartholomew, Steele, Stillwell, Taggart, Todd, Walpole, Whitcomb, Wiley, Williams of Knox, Yater, and Mr. Speaker—52.



So the first proposition was not agreed to.

The question then recurring on the second proposition.

It was not agreed to.

The question then recurring on the third proposition.

It was not agreed to.

The question then recurring on the fourth proposition.

It was not agreed to.

The question being, shall the bill be engrossed, and read a third time on to-morrow.

The ayes and noes were demanded by Messrs. Studabaker and Marvin.

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Ayres, Ballenger, Batterton, Bethell, Blake, Bowman, Branson, Branson, Brown, Bryan, Carnahan, Claypool, Colgrove, Conner of Hamilton, Conduitt, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Early, Edson, Evans, Harrison, Hawkins, Hayden, Humphreys, Kerr, Larue, Moore, McDonald of Fountain, McGinnis, McKinney, Neff, Reese, Reyman, Ricketts, Schermerhorn, Sherrod, Shoulders, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Todd, Trippet, Walpole, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker—54.

*Those who voted in the negative were,*

Messrs. Adams, Austin, Boyd, Clapp, Clark, Conner of Wabash, Crawford, Davis of Hendricks, Douglass, Duncan, Herod, Hoagland, Hutchings, Jefferis, Landiss, Lewis, Massey, Marvin, Mercer, Modesitt, Moon, McDaniel, McDonald of Lake, Neal, Price, Robbins, Shuman, Sloss, Stone, Studabaker, Van Sandt, Wagner, Ward, and Whitcomb—35.

So the bill was ordered to be engrossed.

House bill No. 220. A bill to prohibit the issue of bank notes for circulation by the bank of the State of Indiana upon deposits, and to provide for the location of additional branches of said bank.

The question being on the pending amendment of Mr. Lane.

The ayes and noes were demanded by Messrs. Studabaker and Lane.

*Those who voted in the affirmative were,*

Messrs. Adams, Branson, Brown, Bryan, Carnahan, Clark, Colgrove, Conner of Hamilton, Conner of Wabash, Crowe, Davis of

Hendricks, Denby, Early, Edson, Grose, Harrison, Hayden, Landiss, Lane, Lewis, Massey, Marvin, Modesitt, Moon, Moore, McGinnis, Neal, Neff, Shoulders, Smith of Bartholomew, Smith of Delaware, Stillwell, Studabaker, Trippet, Van Sandt, Wallace, Whitcomb, and Wiley—38.

*Those who voted in the negative were,*

Messrs. Able, Allen, Austin, Ayres, Ballanger, Bethell, Blake, Bowman, Boyd, Branham, Clapp, Conduitt, Crawford, Davis of Sullivan, Douglass, Dobbins, Duncan, Herod, Humphreys, Hutchings, Kerr, Larue, Mercer, McDaniel, McDonald of Fountain, McDonald of Lake, McKinney, Price, Reyman, Reese, Ricketts, Schermerhorn, Shuman, Sloss, Steele, Taggart, Todd, Walpole, Ward, Williams of Knox, Williamson, Yater, and Mr. Speaker—42.

So the instructions were not agreed to.

The Speaker laid before the House the following communication from the secretary of the State board of agriculture:

SECRETARY'S OFFICE, }  
STATE BOARD OF AGRICULTURE. }

HON. BALLARD SMITH,

*Speaker of the House of Representatives :*

SIR:—In compliance with a resolution adopted at the late meeting of the executive committee of the State board of agriculture, I present herewith a copy of the last published report of the society to each officer and member of the House.

IGNATIUS BROWN,  
*Sec'y Indiana State Board of Agriculture.*

#### BILLS INTRODUCED.

By Mr. Edson,

No. 318. A bill to amend sections 75, 93, and 94, of an act entitled, "an act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real estate, county treasurers and auditors, and of the treasurer and auditor of State," approved June 21, 1852.

Which was read a first time, and passed to a second reading.

On motion by Mr. Colgrove,

The rules were suspended, and House bill No. 191. A bill to provide for the payment of the claims of Moorehead, Hall & Co., against the State of Indiana,

Was taken up, and

On motion,

Referred to a select committee consisting of Messrs. Colgrove, Blake, Kerr, Grose, and Claypool.

On motion by Mr. Blake,

The report of the Attorney General on the claim of Barcus, was referred to a select committee consisting of Messrs. Colgrove, Blake, Kerr, Grose, and Claypool.

On motion by Mr. Dobbins,

The rules were suspended, and House bill No. 259. A bill to reduce the number of township trustees, to abolish the offices of township clerk and township treasurer, to transfer part of the duties of township trustees to the board doing county business and otherwise change the manner of doing township business.

Was taken up.

Mr. Dobbins offered the following amendment :

Amend by adding in the first line of the 2d section after the word "elected" the following: "on the first Monday in April annually, by the qualified voters of the proper township."

And also the 4th section by striking out all after the word "employed" in the 3d line of the 4th section.

The question being on the adoption of the amendment.

It was agreed to, and the bill ordered to be engrossed.

By Mr. Cullen,

No. 319. A bill to cure erroneous defects and irregularities in the organization of rail road corporations, legalizing their acts and doings, prescribing the rule to courts and juries in cases where such irregularities exist, providing for the withdrawal of the original articles of association when necessary to be used in the collection of subscriptions to stock, and prescribing the rules of practice, as to the production of such original articles in court.

Which was read a first time and passed to a second reading.

On motion by Mr. Studabaker,

House bill No. 66. A bill for the investment and safe keeping of the school fund arising from the 114th section of an act establishing a State bank, approved January 28th, 1834.

Was taken up, and read a third time.

Mr. Studabaker moved to recommit the bill with the following instructions to a select committee of three:

Amend that the congressional township fund will not be taken into consideration in the distribution of said fund, if the office of fund commissioners expires on the 1st day of January, 1857, to so amend as to provide for the election of fund commissioners, or for filling such vacancy or continuing the same,

Which was agreed to, and Messrs. Studabaker, Walpole, and Colgrove, were appointed said committee.

By Mr. Abel,

No. 320. A bill providing for the transfer of scholarships in the Indiana University, for valuable consideration.

Which was read a first time, and Mr. Abel moved to suspend the rules and read the bill by its title now.

The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Austin, Ayres, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Duncan, Edson, Evans, Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Hutchings, Jefferis, Kerr, Lane, Larue, Massey, Marvin, Mercer, Modesitt, Moore, McDonald of Lake, McGinnis, McKinney, Neal, Price, Reese, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Shuman, Sloss, Smith of Delaware, Steele, Stillwell, Studabaker, Taggart, Todd, Trippet, Van Sandt, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker—74.

No member voting in the negative.

The rules were suspended, and the bill read a second time by its title, and ordered to be engrossed.

On motion by Mr. Sherrod,

The rules were suspended, and House bill No. 258. A bill to amend section 6, and to repeal sections 34 and 54 of an act passed March 3d, 1855, to amend an act to authorize and regulate the business of general banking, approved May 28th, A. D., 1852,

Was taken up, and read a second time, and

On motion by Mr. Sherrod,

Was referred to the committee on banks.

Mr. Kerr, from a select committee, made the following report:

## MR. SPEAKER:

The select committee, to whom was referred House bill No. 213, entitled, "a bill to provide for the incorporation of cities, &c," have had the same under consideration and direct me to report the same to the House, with the following amendment, in which the concurrence of the House is respectfully solicited:

## Amendment to section 7—

Add to section 7 the following words, "but nothing in this act contained shall preclude any person interested from showing that a majority of the legal voters of any such town or city had not agreed to such change."

## Second amendment to section 15—

After the word "notified," in second line of sec. 15, add "by personal service," and add to the end of said section the words "which forfeiture shall be recoverable in complaint filed in the name of the city against the party so failed to serve."

## Third amendment to section 18—

After the word "city" in the 28th line of section 18th add the words "and township in which such city is situated; also in 39th line of said section, strike out the words "county jail" and insert in lieu thereof the words, "city or county prison."

## Amendment to section 20—

Add to the close of the 20th section the words, "and pertaining to his office."

## Amendment to section 21—

In second line of section 21, strike out the word "June" and insert the word "May."

## Amendment to section 23—

After the word "council," in the sixth line of section 23, insert the words "and he may serve process directed to him by any justice of the peace in his city."

## Amendment to section 28—

After the word "mayor," in the fifth line of section 28, insert the words "shall be the presiding officer of the common council and."

## Amendment to section 32—

Strike out from the fifth and sixth lines of sections 32, the words "by the mayor or by the mayor and city attorney," and insert in lieu thereof the words "before the mayor or city judge, by the city attorney, or some one in his behalf."

## Amendment to section 33—

In second line of section 33, after the word "preserve," insert the words "and if necessary, charge."

#### Amendment to section 35—

Strike out all after the words "for hire or pay" in the twelfth subdivision of section 35; also, all after the words "upon the premises" in the thirteenth subdivision of said section; also, add to the thirty-sixth subdivision as follows: "All claims for landing, whafage and dockage, accrued to said city shall be a lien upon the boat, vessel or water craft contracting the same, and after a demand made by the wharf master upon the owner, master, clerk or assignee thereof, and refusal of payment, may be enforced by attachment before the mayor of such city, when the amount claimed does not exceed one hundred dollars, in the same manner and to the same extent that liens on boats and other water crafts are now enforced under the general laws of this State, and all the proceedings and pleadings shall be conformable thereto, as far as practicable;" also, add to said section, subdivison forty-three, to read as follows: "To regulate the building of partition fences within the limits of said city, and to prescribe by ordinance, in what proportions the adjoining owner shall bear the expenses of the same, and in what manner such expenses shall be levied and collected."

#### Amendment to 42d section—

In eleventh line of 42d section, after the word "dollars," insert the words "and in each ditch owned by any resident of such city, of not more than five dollars."

#### Amendment to the 50th section—

Strike out from the thirteenth and fourteenth lines of said sections, the words "he receives his duplicate and warrant," and insert in lieu thereof the words "the first Monday of November;" also, strike out all of said section after the words "such persons," in the seventeenth line.

#### Amendments to section 57—

After the word "return" in second line, insert the words "to the common council," and after the word "interest" in the twelfth line, add the words "and two per centum damages per annum," and after the word "redeemed" in the eighth line, insert the words "as provided in section fifty-four," and after the word "State" in the 24th line, insert the words "but such conveyances shall be made to such purchasers in the corporate name of such city."

#### Amendment to section 58—

Add to said section the words "a half," at close of said section, and insert the words "fifty cents per annum."

#### Amendment to section 60—

Strike out the last word of section, and insert the words "personal service."

Amend the 67th section by adding the following proviso:

*Provided*, That when the owner of any lot shall have made



any improvement in front of his lot in accordance with the general plan for the improvement of such street, and under the direction of the city engineer. he shall be entitled to a reasonable allowance therefor, upon his proportion of the cost of such improvement, which reasonable allowance shall be determined by the said engineer.

Amendment to section 61—

After the word "receive" in the fifth line, insert the words "and the proportion of damages sustained by each."

Amendments to section 67—

After the words "bordering thereon" in the ninth line, insert the words "and for the costs of all culverts and bridges on the line of such improvements;" also, add at the close of said section the words, "*Provided*, That when the owner of any lot or part of a lot shall have graded, graveled, macadamized, paved, or otherwise improved a street in front of his lot, agreeably to the requirements of the city engineer, and the general plan of such improvements in said city, such owner shall not be compelled to pay such contractor therefor, but shall not be entitled to a deduction of the amount of the reasonable costs thereof from his assessments on said street."

Amendment to section 69—

After the words "has been paid" in the fifth line, insert the words "and the amount remaining unpaid."

Amendment to section 70—

Strike out the last sentence, all after the words "disposed of."

Amendment to section 73—

After the word "engineer" in the eighth line, insert the words "with the advice and consent of the common council."

Amendment to section 89—

Add therein the following provision, to-wit:

*Provided*, That this act shall be in force from and after its passage, in all cities which had previous thereto been organized and acting under the several acts hereby repealed, without any further acceptance or proceedings on the part of any such city.

When amended as herein before set forth, the committee recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed, and read a third time to-morrow.

By Mr. Jefferis,

No. 324. A bill to regulate the sale of spirituous and intoxicating liquors.

Which was read a first time and passed to a second reading.

By Mr. Cullen,

No. 322. A bill to authorize the lessees of any railroad or railroad company in the State of Indiana, to organize under and act establishing general provisor s respecting corporations, approved June 15, 1852.

Which was read a first time and passed to a second reading.

On motion by Mr. McDonald of Lake,

The rules were suspended, and House bill No. 242, a bill to enable the different counties in the State having a swamp land fund, to ascertain and use the amount thereof for the purpose of ditching the swamp lands therein.

Was taken up, and read a second time.

On motion by Mr. McDonald of Lake,

Was referred to the committee on swamp lands.

By unanimous consent,

On motion by Mr. Humphreys,

*Resolved*, That when this House adjourn, it adjourn to meet to-night, at seven o'clock.

Mr. Herod moved to reconsider the vote taken on the indefinite postponement of House bill No. 123. A bill to amend the third and ninth sections of the fourth article of the constitution of the State of Indiana.

Mr. Clapp moved to lay the motion the table.

Which was not agreed to.

The question being, shall the vote be reconsidered on the indefinite postponement?

It was agreed to.

Mr. Herod moved to recommit the bill with the following instructions :

SEC. 3. Senators shall be elected for the term of three years and representatives for the term of one year from the day next after their election. *Provided*, That at the next meeting of the General Assembly after the adoption of this amendment, the Senators shall be divided by lot into three equal classes as nearly as may be, and the seats of the Senators of the first shall be vacated at the expiration of one year; those of the second class at the expiration of two years; and those of the third class at the expiration of three years; and in case of the increase in the number of Senators, they shall be so annexed by lot to one of the three classes, so as to keep those as nearly equal as possible.

Which was agreed to.

By unanimous consent,  
On motion of Mr. Whitcomb,

*Resolved*, That the committee on claims be instructed to investigate the accompanying claim of Daniel M. Jones for services as prosecuting attorney, and if found correct, that they report the fact with a resolution that the committee on ways and means be instructed to make provision for the same in the general appropriation bill.

On motion by Mr. Lane,  
The resolution in relation to a claim of the committee appointed at the last session of the legislature,  
Was taken up, and  
On motion,  
Referred to the committee on claims.

By Mr. Abel,

No. 323. A bill to authorize the empanneling of petit jurors in the circuit court, and to repeal an act therein named.

Which was read a first time, and passed to a second reading.

On motion by Mr. Blake,  
The rules were suspended and the vote on the engrossment of House bill

No. 230. A bill to amend the 2d section of an act entitled an act to provide for the relocating of county seats, and for the erection of public buildings in counties in case of such relocation, approved March 2d, 1855, and to provide for the relief of property holders in towns from which county seats may be removed.

Was reconsidered.

And,

On motion by Mr. Blake,  
Was referred to the committee on the judiciary with instructions to enquire into the constitutionality of its provisions.

Mr. Davis of Sullivan offered the following resolution :

*Resolved*, That no member of this House shall speak more than ten minutes on any question under consideration.

Which lies over under the rule.

On motion by Mr. Kerr,  
The rules were suspended, and House bill

No. 87. A bill to provide for the greater security of the funds of the State in the hands of the Agent of State.

Was taken up, and

Read a third time.

By unanimous consent,

The title of the bill was amended to read as follows:

A bill to provide for the greater security of the funds of the State entrusted to the management of the Agent of State, prescribing certain additional duties for the agent and Auditor of State, and imposing certain penalties for the neglect thereof.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Carnahan, Clark, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Douglass, Duncan, Early, Edson, Evans, Harrison, Hayden, Herod, Hoagland, Humphreys, Hutchings, Jefferis, Kerr, Landiss, Lane, Larue, Lewis, Massey, Marvin, Mercer, Moon, Moore, McDaniel, McDonald of Lake, McGinnis, McKinney, Neal, Neff, Price, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Sloss, Smith of Bartholomew, Studabaker, Taggart, Todd, Trippet, Van Sandt, Wagner, Wallace, Ward, Whitcomb, Wiley, Williamson, Yater, and Mr. Speaker—74.

Mr. Williams of Knox, voted in the negative.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

On motion by Mr. Neff,  
The rules were suspended, and House bill

No. 237. A bill to regulate the sale of spirituous, vinous, malt, or intoxicating liquors.

Was taken up.

Mr. Robbins offered the following amendment:

Amend sec. 2 by striking out all after the word any in the first line, and insert after the word any, the word person.

Amend sec. 3 by striking out all before the word upon in the third line.

Sections 2 and 3, when amended as proposed, would read as follows:

Any person, upon his executing a bond with at least four good

and sufficient freehold sureties, resident within said county to be approved by such board in a sum of not less than five hundred nor more than three thousand dollars, conditioned that he will keep an orderly and peaceable house, and that he will pay all fines damages and costs that may be assessed against him, for the violation of any of the provisions of this act, such bond to be filed with the auditor of such county.

Amend sec. 4, by striking out the word fifty in the second line and insert instead thereof, the word twenty.

Amend sec. 5 by striking out all between the word the, where it occurs after the word bond in the first line, and the word issue in the second line, and insert in lieu thereof the following:

“Board of county commissioners shall make an order requiring the auditor upon the presentation of such bond and treasurer’s receipt to,”

When so amended it will read as follows:

“Upon the execution of such bond, the board of county commissioners shall make an order requiring the auditor upon the presentation of such bond and treasurer’s receipt, to issue a license to the applicant for the sale of spirituous liquors, which license shall specify the name of the applicant, the place of sale, and the term of time for which such license is granted.

Amend by striking out section 7th.

Which was not agreed to.

Mr. Herod offered the following amendment:

Amend by striking out all that pertains to license.

Which was not agreed to.

Mr. Blake offered the following amendment:

Amend section 14, in second line, strike out the word other, and insert the word poisonous.

Which was agreed to.

Mr. Batterton offered the following amendment:

Amend section 4 by inserting one hundred in 2d line where fifty occurs, and inserting one thousand in third line where five hundred occurs.

Mr. Blake offered the following amendment to the amendment:

Amend section 4 as follows, strike out the words in second line,

“less than fifty nor” so that section shall read, “not more than five hundred dollars,” and add to the section the following, “the kind of liquors and purpose for which the same are kept for sale.”

Pending which,

On motion by Mr. Humphreys,  
The House adjourned.

SEVEN O'CLOCK, P. M.

The House met.

By unanimous consent,

The House proceeded to the consideration of messages from the Senate.

A message from the Senate by Mr. Harvey, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills thereof, viz:

No. 33. A bill to provide for the sale of freights shipped upon railroads, boats, and other public conveyances, or consigned to wharfingers and warehouse men, to pay the expense of transportation and storage, and to prevent the loss of the same to the owner.

Also, bill No. 101. A bill to authorize county auditors, recorders and surveyors to re-copy maps, plats, and field-notes, when the original copies are worn and defaced, and prescribing the duties of county commissioners in relation thereto, and to repeal an act entitled, “an act to authorize county auditors to re-copy maps and plats when the original copies are worn or defaced,” approved June 15th, 1852.

In which the concurrence of the House of Representatives is respectfully requested.

Senate bills Nos. 33 and 101, contained in the foregoing message were read a first time, and ordered to a second reading.

H. J.—51.



A message from the Senate by Mr. Harvey, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills thereof, viz:

No. 31. A bill supplemental to the 9th article of an act entitled, "an act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State—to abolish distinct forms of action at law, and to provide for the administration of justice, in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Also, bill No. 68. A bill to amend the 14th section of an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof, approved May 14, 1852.

Also bill No. 73. A bill to provide for the disposition of real estate of aliens dying or having died intestate or testate, without heirs or devisees capable of taking such real estate by devise or descent.

Also, No. 93. A bill to prevent betting on elections, and providing punishment for the same.

Senate bills Nos. 31, 68, 73, and 93, contained in the foregoing message, were read a first time and ordered to a second reading.

A message from the Senate by Mr. Harvey, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following joint resolution thereof, viz:

No. 6. A joint resolution to authorize the superintendent of of public instruction, to furnish to the State prison one township library.

In which the concurrence of the House of Representatives is respectfully requested.

Joint resolution No. 6, contained in the foregoing message, was read a first time and ordered to a second reading.

A message from the Senate by Mr. Harvey, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representa.

tives, that the Senate have passed the following engrossed bills thereof, viz :

No. 72. A bill to amend the first section of an act entitled, "an act authorizing proceedings to try the right of property seized by virtue of any writ of execution or attachment, and claimed by any person other than the execution or attachment defendant," approved June 10, 1852.

Also, No. 77. A bill to amend the sixth section of an act entitled, "an act establishing general provisions respecting corporations," approved June 15, 1852.

In which the concurrence of the House of Representatives is respectfully requested.

Senate bills Nos. 72 and 77, contained in the foregoing message, were read a first time and ordered to a second reading.

A message from the Senate, by Mr. Harvey, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills thereof, viz :

No. 88. "A bill to enable persons whose wives are insane, to convey real estate."

In which the concurrence of the House of Representatives is respectfully requested.

Also, bill No. 51. A bill to preserve the purity of elections, and to amend section 21 of an act regulating general elections, and prescribing the duties of officers in relation thereto, approved June 7, 1852.

In which the concurrence of the House is respectfully requested.

Senate bills Nos. 88, and 51, contained in the foregoing message, were read a first time, and ordered to a second reading.

A message from the Senate, by Mr. Harvey, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bill thereof :

Bill No. 130. A bill to authorize the record of deeds or transcripts thereof, to be read in evidence where, in certain cases they have been recorded in the adjoining county.

In which the concurrence of the House is respectfully requested.

Senate bill No. 130, contained in the foregoing message, was read a first time, and ordered to a second reading.

## HOUSE BILLS ON SECOND READING.

No. 244. A bill to amend section 17 of an act providing for the organization of county boards, and prescribing some of their powers and duties, approved June 17th 1852, so as to enable county commissioners to borrow twenty thousand dollars for county purposes.

Was read a second time, and ordered to be engrossed.

No. 245. A bill to amend the 207th section of an act entitled, an act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases, in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18th, 1852, so as to authorize a change of venue in certain cases.

Was read a second time, and ordered to be engrossed.

No. 246. A bill to repeal the repealing clause of section 57, in an act entitled, an act for the incorporation of insurance companies, defining their powers and prescribing their duties, approved June 17th, 1852, and to revise the act incorporating the Madison and Marine Insurance Company.

Was read a second time, and,

On motion of Mr. Lane,

Referred to the committee on corporations.

No. 247. A bill supplemental to an act entitled, an act concerning county prisons, approved May 27th, 1852, and to authorize the establishment of certain persons therein at labor.

Was read a second time, and,

On motion by Mr. Kerr,

Referred to the committee on the judiciary.

No. 248. A bill to amend the 7th section of an act entitled, an act for the relief of the poor, approved June 9, 1852, so as to authorize boards of county commissioners to provide in certain counties for keeping the poor.

Was read a second time, and,

On motion, by Mr. Douglass,

Referred to the committee on county and township business.

No. 249. A bill to amend the 1st and 3d sections of an act entitled, an act to provide a site, system of government, and plans for the erection of a State House of Refuge, for the correction and reformation of juvenile offenders, approved March 3d, 1855.

Was read a second time, and,

On motion by Mr. Douglass,

Referred to the committee on benevolent and scientific institutions.

No. 250. A bill to amend sections 4 and 6 of an act entitled, an act for the encouragement of agriculture, approved February 17th, 1852.

Was read a second time, and,

On motion by Mr. Lane,

Referred to the committee on agriculture.

No. 251. A bill to legalize the collection of taxes made during the year 1856, in conformity with an act to appraise the real estate of this State, and to make the value of the same equal and uniform throughout this State, approved February 13th, 1851.

Was read a second time, and,

On motion by Mr. Conduitt,

Referred to the committee on the judiciary.

No. 252. A bill to authorize the common council of any city, and trustees of any incorporated town to prescribe by ordinance, the rate of speed at which locomotives and cars may be run within the limits of such cities or incorporated towns, and designating the penalty for violating such ordinance.

Was read a second time, and,

On motion by Mr. Crowe,

Referred to the committee on railroads.

No. 253. A bill to declare abandoned plank roads and mackadamized roads public highways.

Was read a second time, and,

On motion by Mr. Moore,

Referred to the committee on roads.

No. 254. A bill to regulate the local fares of railroad companies, to ensure the prompt transportation of local and way freight, and to regulate the compensation therefor.

Was read a second time, and,

On motion by Mr. Branham,

Referred to the committee on railroads.

No. 255. A bill to amend the 12th section of an act entitled, an act to authorize the construction of levees and drains, approved June 12th, 1852.

Was read a second time, and,

On motion by Mr. Studabaker,

Referred to the committee on swamp lands.

No. 256. A bill to amend the 6th section of an act entitled an act regulating estrays and articles adrift, approved June 16, 1852.

Was read a second time, and

On motion by Mr. Williams of Knox,

Referred to a select committee of three, consisting of Messrs. Moore, Larue, and Cullen,

With instructions : Strike out State Printer and insert county paper.

No. 257. A bill to amend the first section of an act entitled an act prescribing the duties and fixing the compensation of State Agent, approved June 17, 1852.

Was read a second time, and,

On motion by Mr. Conner of Wabash,

Referred to the committee on the judiciary.

No. 260. A bill to create and establish a board of trust fund commissioners, and define the rights, powers, and duties thereof.

Was read a second time, and,

On motion by Mr. Blake,

Referred to the committee on the sinking fund.

No. 261. A bill to provide for the increase of the bonds of the sinking fund commissioners.

Was read a second time, and,

On motion by Mr. Crowe,

Referred to the committee on the sinking fund.

No. 262. A bill to repeal an act entitled an act to prevent railroad companies from changing their depots, except on condition therein named.

Was read a second time, and,

On motion by Mr. Douglass,

Referred to the committee on railroads.

No. 263. A bill declaring John O'Brien a brother of Michael O'Brien deceased, and the children of a deceased sister of Michael O'Brien deceased, heirs at law of the said Michael O'Brien deceased, and capable of inheriting his real estate in Indiana.

Was read a second time, and ordered to be engrossed.

No. 265. A bill to amend an act entitled an act to authorize railroad companies to consolidate their stock with the stock of railroad companies in this or an adjoining State, and to connect their roads with the roads of said companies, and to authorize railroad companies to construct their roads on the routes which they may have heretofore surveyed, and to locate, and to use and occupy the same when completed.

Was read a second time, and,

On motion by Mr. Early,

Referred to the committee on railroads.

A bill concerning license to carry on the business of stock and exchange broker.

Was read a second time, and

On motion by Mr. Conner of Wabash,

Referred to the committee on the judiciary.

No. 267. A bill to enable railroad companies to alter the line of railroads when sufficient stock cannot be raised to complete the same according to the original design thereof.

Was read a second time, and

On motion by Mr. Steele,

Referred to the committee on railroads.

No. 268. A bill to amend the second section of an act entitled an act to provide compensation to the owners of animals killed or injured by the cars, locomotives, or other carriages of any railroad companies in this State, approved March 1, 1853.

Was read a second time, and

On motion by Mr. Ricketts,

Referred to the committee on railroads.

No. 269. A bill for the extradition of fugitives from justice.

Was read a second time, and

On motion by Mr. Sherrod,

Referred to a select committee of seven, consisting of Messrs. Sherrod, Denby, Blake, Walpole, Studabaker, Schermerhorn and Crowe.

No. 270. A bill to amend section 6 of an act entitled an act to incorporate the St. Joseph Iron Company, approved Jan. 22, 1855, and to repeal of said act sections 7, 8, 9, 10, 11, 12, whereby said company will be released from the obligation to keep up and maintain a lock at their dam on the St. Joseph river at Mishawaka.

Was read a second time, and,

On Motion by Mr. Conner of Wabash,

Referred to the committee on canal and internal improvements.

No. 271. A bill to amend an act entitled an act to incorporate the South Bend manufacturing company, approved Dec. 28, 1842, so as to repeal so much of section 7 of said act as requires said company to keep up and maintain a lock at the dam on the St. Joseph river.

Was read a second time, and

On motion by Mr. Conner of Wabash,

Referred to the committee on canal and internal improvements.

No. 272. A bill to prevent market houses from being built



upon streets of towns or cities, without the consent of owners of lots on such streets, and to authorize the removal of the same,

Was read a second time and ordered to be engrossed.

No. 273. A bill entitled an act for the election of county assessors, and their duties thereunto prescribed.

Was read a second time, and

On motion by Mr. Harrison,

Referred to the committee on county and township business.

No. 274. A bill to amend section 402 of article 21 of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings, and forms, in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity.

Was read a second time, and

On motion by Mr. Dobbins,

Referred to the committee on the judiciary.

No. 275. A bill to authorize the removal of any free bank to a place of greater commercial importance.

Was read a second time, and ordered to be engrossed.

No. 276. A bill to establish true meridians in the several counties of the State, and to regulate land surveys thereby.

Was read a second time, and ordered to be engrossed.

No. 277. A bill defining the amount of property, that shall be omitted by executors and administrators in making out their inventories.

Was read a second time, and

On motion by Mr. Crowe,

Referred to the committee on the judiciary.

No. 278. A bill to increase the duties and the salaries of the judges of the supreme court.

Was read a second time, and

On motion by Mr. Larue,

Referred to the committee on fees and salaries.

No. 279. A bill to amend sections 75, 80, 93, 94, 86, 100, 123, 124, 143, 202, and to repeal section 119 of an act, entitled an act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duty of assessors, appraisers of real property, county treasurers and auditor of State, approved June 23, 1852.

Was read a second time, and ordered to be engrossed.

No. 280. A bill prohibiting State and county officers from taking or receiving any of the bills, notes or issues of the new bank of the State of Indiana, in payment of taxes, or any debt or liability due the State or any county.

Was read a second time, and

On motion by Mr. Branson,

Referred to a select committee of five, consisting of Messrs. Duncan, Moore, Taggart, Williams of Knox, and Clapp.

#### JOINT RESOLUTION.

No. 13. A joint resolution in regard to printing the premium lists of the State board of agriculture.

Was read a second time, and ordered to be engrossed.

No. 281. A bill to provide for the vaccination of children in the State.

Was read a second time, and

On motion by Mr. McDonald of Lake,

Referred to the select committee on medicine and surgery heretofore appointed.

No. 282. A bill to amend section 48 of the general banking law of Indiana, and to declare the meaning of said section.

Was read a second time, and

On motion by Mr. Steele,

Referred to the committee on banks.

No. 283. A bill to provide for collecting and publishing agricultural, mechanical and manufacturing statistics of the State.

Was read a second time, and

On motion by Mr. Lane,

Referred to a select committee of three, consisting of Messrs. Lane, Wagner and Ayres.

No. 284. A bill authorizing all persons to travel upon plank, macadamized and gravel roads free from toll in going to and returning from church or public worship on the Sabbath day.

Was read a second time, and ordered to be engrossed.

No. 285. A bill to repeal an act, entitled an act authorizing Joseph Quinn and James Norvell to erect bridges, approved January 13, 1845; and also, to repeal the act declaratory of, and to amend the aforesaid act, approved January 19, 1846.

Was read a second time, and ordered to be engrossed.

No. 286. A bill dividing the State into judicial districts, for the purpose of electing judges for the courts of common pleas, and fixing the time of holding the courts of common pleas, and the length of terms thereof in the several counties of the State, and

repealing all former laws in conflict with the provisions of this act.

Was read a second time.

Mr. Larue moved to amend by adding a section providing for the election of prosecuting attorneys.

Which was agreed to.

On motion by Mr. Grose,

Referred to a select committee of one from each congressional district, consisting of Messrs. Denby, Kerr, Taggart, Lane, Grose, McFarland, Claypool, Larue, Clapp, Cullen, and Conner of Wabash.

No. 287. A bill to provide for the better protection of the rights and interests of the inhabitants of the town of Clarksville, and to repeal an act therein named.

Was read a second time, and ordered to be engrossed.

No. 288. A bill to amend section seven of an act providing for the election of clerks of the circuit court, and prescribing some of their duties, approved June 7, 1852.

Was read a second time, and

On motion by Mr. Moore,

Referred to the committee on fees and salaries.

No. 289. A bill to extend further time to borrowers of the sinking fund.

Was read a second time, and

On motion by Mr. Clapp,

Referred to the committee on the judiciary.

No. 290. A bill to enable the several chartered cities of the State to construct water works.

Was read a second time, and

On motion by Mr. Moore,

Referred to the committee on corporations.

No. 291. A bill to amend section four of an act for the incorporation of manufacturing and mining companies for mechanical, chemical and building purposes, approved May 26, 1852.

Was read a second time, and

On motion by Mr. Marvin,

Referred to the committee on railroads.

No. 292. A bill authorizing the destruction of papers returned by township assessors.

Was read a second time, and

On motion by Mr. Robbins,

Referred to the committee on county and township business.

No. 293. A bill to prevent obstructions to railroads by hitching, driving, leading, or feeding, horses, cattle, or other stock thereon, except as therein provided.

Was read a second time, and

On motion by Mr. Ricketts,

Referred to the committee on railroads.

No. 294. A bill to provide for the assessment and taxation of lands and real estate belonging to railroad, plank road, or other incorporated or joint stock companies.

Was read a second time, and

On motion by Mr. Lane,

Referred to a select committee of three, consisting of Messrs. Clapp, Lane, and Conner of Wabash.

No. 295. A bill to amend section 1 of an act entitled an act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical, and building purposes, approved May 20, 1852.

Was read a second time, and

On motion by Mr. Moore,

Referred to the committee on corporations.

No. 296. A bill to authorize the record of deeds, where in certain cases they have been recorded in a wrong county, or transcript thereof duly certified or proved, to be read as evidence.

Was read a second time, and

On motion by Mr. Grose,

Referred to a select committee of three, consisting of Messrs. Kerr, Grose and Claypool.

No. 297. A bill to amend section 138 of chapter 10 of the Revised Statutes, approved June 17, 1852.

Was read a second time, and

On motion by Mr. Grose,

Was amended by striking out sec. 2, and when so amended, ordered to be engrossed.

No. 298. A bill to amend section 27 of an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof, approved March 5, 1855.

Was read a second time, and

On motion by Mr. Smith of Bartholomew,

Referred to the committee on education.

No. 299. A bill to amend the 655 sec. of art. 37 of an act entitled an act to revise, simplify, and abridge, the rules, practice, pleadings,

and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity.

Was read a second time, and

On motion by Mr. Conner of Wabash,

The bill was laid on the table.

No. 300. A bill to provide for a uniform mode of proceeding in cases of assignments of insolvent debtors; for the appointment of trustees, and defining their duties and powers, and providing for the distribution of the proceeds of insolvent estates.

Was read a second time and ordered to be engrossed.

No. 301. A bill to amend section 9 of an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof, approved March 5, 1855.

Was read a second time and ordered to be engrossed.

No. 302. A bill to repeal section 73 of an act entitled an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, appraisers of real property, county treasurer and auditor, and the Treasurer and Auditor of State, approved June 21, 1852.

Was read a second time, and

On motion by Mr. Marvin,

Referred to the committee on ways and means.

No. 303. A bill authorizing the application of the property road tax on turnpike roads, in certain cases.

Was read a second time, and

On motion by Mr. Moore,

Referred to the committee on roads.

A message from the Senate, by Mr. Harvey, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have concurred in the following resolution of the House, viz :

*Be it resolved by the House of Representatives, (the Senate concurring,) that the use of the room immediately north of the Governor's room, be, and is hereby granted to the State Board of Agriculture.*

Mr. Marvin, chairman of the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills have compared engrossed bill No. 198 with the original, and find it correctly engrossed.

Mr. Sloss from the committee on engrossed bills made the following report :

MR. SPEAKER :

The committee on engrossed bills have examined bills No. 194, 214, 164, 231, 200, 98, and 55, and find them correctly engrossed.

Mr. Crowe, chairman of the committee on enrolled bills, made the following report :

MR. SPEAKER :

The committee on enrolled bills have compared enrolled bill of the House No. 132, with the engrossed copy thereof, and find the same correctly enrolled.

The House adjourned.

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WEDNESDAY MORNING, 8½ O'CLOCK, }  
February 25th, 1857. }

The House met.

The clerk proceeded to read the journal.

When,

On motion by Mr. Studabaker,

The further reading of the journal was dispensed with.

PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Mercer,

A petition signed by S. S. Mann and others, in reference to congressional townships in the county of Elkhart, which,



On motion,  
Was referred to a select committee consisting of Messrs. Mercer, Merrifield, Brown, Crawford, and Moon.

By Mr. Moon,

The claim of C. W. Seely, for services rendered the State of Indiana, in arresting Matthew France.

On motion,  
Was referred to the committee on claims.

#### REPORTS FROM COMMITTEES.

Mr. Bethell, chairman of the committee on military affairs, made the following report:

MR. SPEAKER:

The committee on military affairs, to whom was referred House bill No. 196. A bill to amend section 12 and 13 of an act to organize the militia, for the appointment and prescribing the duties of certain officers thereof, and for the more efficient organization of the militia, have had the same under consideration, and have instructed me to report the same back with the following amendment:

Strike out all after the enacting clause, and insert the following, and after such amendment recommend its passage:

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That every commandant of a regiment, battalion, or company, shall call out his respective command, at least once in each year, and drill them according to the tactics of the United States army.

SEC. 2. The notice for such parade may be given by three weeks previous notice, successively published in a newspaper, if one be published within his command.

SEC. 3. The commandant of each regiment shall call out and drill his officers and non-commissioned officers once in each year, at such time and place as he may designate in his notice, who shall appear armed with firelocks, except the field officers, who shall be armed with swords, and shall instruct them in camp or garrison duty.

SEC. 4. Commanders of regiments or companies, shall return all delinquent to the court of assessment. Courts of assessment shall be convened by the colonel, at such time and place as he may designate. Courts of appeals shall be appointed in the same way from the field officers.

SEC. 5. Courts of assessment shall be composed of the company officers, a majority of which shall form a quorum.

SEC. 6. There shall be appointed by the colonel, one judge advocate, and provost marshal, and one treasurer, for each regiment.

SEC. 7. The following fines may be assessed and collected for each day failing to drill as ordered: if a field officer not less than two nor more than five dollars, if a non-commissioned officer or private soldier one dollar, or such other punishment as may be inflicted.

SEC. 8. Any person aggrieved may appeal from a court of assessment to the next court of appeals.

SEC. 9. All fines so assessed shall be paid to the treasurer within thirty days after the court of appeals.

SEC. 10. If any person shall so fail to pay in the fines so assessed against him within thirty days, it shall be the duty of the treasurer to turn the same over to a constable who shall proceed to collect the same without stay of execution.

SEC. 11. There may be a board of survey appointed at such time and place as may be ordered by the colonel, to consist of three or more commissioned officers, whose duty it shall be to examine claims, make such allowances as they may think proper for services rendered, or other contingent expenses.

SEC. 12. All orders issued from such board shall be drawn on the treasurer, and may be paid out of any money not otherwise appropriated.

SEC. 13. The commissioned officers of each regiment shall, as far as practicable, wear on parade or at court martials, such uniform as a majority of them may agree upon.

SEC. 14. The militia shall be governed as far as practicable, by the rules and regulations governing the United States army.

SEC. 15. Independent companies may be formed who shall have power to make their own by-laws, choose their uniform and kind of arms, and after any company may have been so formed, with fifty men rank and file, and shall have been uniformed, and their officers selected on the recommendation of the colonel, they shall be commissioned and armed.

SEC. 16. All such companies shall act independent, and shall be controlled by their captain, except at any time they shall be subject to the command of their respective colonels.

SEC. 17. It shall be the duty of the quarter master general to turn over all bonds that may be in his possession on account of arms issued to the respective auditors of the counties where such arms may be issued. Such auditor shall inform the county commissioners of the fact.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Marvin, from a select committee, made the following report:

MR. SPEAKER :

The select committee, to whom was referred joint resolution, No. 12, "a joint resolution relative to distribution of acts of 1855 to Adams county," have had the same under consideration, and after enquiring among the members of this House, find a deficiency of the acts of 1855, in almost every county in this State, therefore recommend the indefinite postponement of the joint resolution, and in place thereof submit the following bill and recommend its passage :

No. 324. A bill to supply the several counties in this State with twenty-five copies each of the acts of the General Assembly of 1855.

Which was read a first time, and passed to a second reading, and the joint resolution indefinitely postponed.

#### RESOLUTIONS.

On motion by Mr. Duncan,

*Resolved*, That the committee on county and township business be requested to report back to this House bill No. 223, immediately, so that there may be an action of the House had upon the same.

Mr. Colgrove offered the following resolution :

*Resolved*, That the committee on ways and means be instructed as a part of the appropriation bill, to provide by law that the judges of the supreme court shall make such allowance to Dewit C. Chipman, late prosecuting attorney of the fifth judicial circuit, as they may think just and right, for causes submitted and briefs filed by him in the supreme court as such prosecuting attorney wherein the State was a party, so be admitted and paid as other appropriations.

Which,

On motion by Mr. Moore,  
Was laid on the table.

Mr. Clapp, from a select committee made the following report :

MR. SPEAKER :

The select committee to whom was referred House bill No. 294. "A bill to provide for the assessment and taxation of lands and real estate, belonging to railroads or other incorporation or joint stock companies," have had the same under consideration, and direct me to return the same and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

On motion by Mr. Conner of Wabash,

*Resolved*, That in the absence of the chairman of the committee on corporations, that the member next in order on the list, may call said committee together for the transaction of business, and sit as chairman thereof.

Mr. Schermerhorn, from the committee on fees and salaries, made the following report :

MR. SPEAKER :

The committee on fees and salaries, to which was referred the accompanying resolution of the House to-wit :

WHEREAS, It appears from the report of the Auditor of State, that some sheriffs have claimed ten cents per mile additional mileage, on their return home from conveying convicts to the State prison, for any additional convict more than one, and, WHEREAS, It is believed that such was not the intention of the law, therefore, be it

*Resolved*, That the committee on fees and salaries be instructed to enquire into the expediency of reporting a bill explanatory of that part of sec. 5 of an act entitled, an act regulating the fees of officers, and repealing all former acts in relation thereto as relates to sheriff's fees for taking convicts to the State prison.

Have had the same under consideration, and have directed me to report that in the opinion of the committee no legislation explanatory of said act is necessary, and that under even a strict construction of said clause of said act, the sheriff is entitled to a fee of 10 cents per mile going and returning, for each additional convict taken at the same time.

Which report was concurred in.

Mr. Davis, from the the committee on railroads, made the following report :

MR. SPEAKER :

The committee on railroads, to whom was referred House bill No. 291. A bill to amend section four of an act for the incorporation of manufacturing and mining companies, for mechanical, chemical and building purposes, approved May 20th, 1852, have had the same under consideration, and direct me to report the same back and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Steele, from the committee on railroads, made the following report :

**MR. SPEAKER :**

The committee on railroads, to whom was referred House bill No. 267. A bill to enable railroad companies to alter the line of railroads when sufficient stock cannot be raised to complete the same according to the original design thereof, have directed me to report the same back with the following amendments, and recommend its passage:

**SEC. 2.** That any railroad company which may avail themselves of the provisions of this act by the adoption of a change of line in the extension of their railroad to any point of termination not originally contemplated, shall have all the rights and privileges over and with respect to the newly adopted line which were conferred upon them in their original acts of incorporation over and with respect to the line therein specified, with full powers to mortgage the same with all the appurtenances, and issue bonds thereon in the same manner to all intents and purposes as if such newly adopted line and point of termination had been provided for in said original acts of incorporation.

**SEC. 3.** An emergency existing for the immediate taking effect of this act, it is hereby declared to be in force from and after its passage.

Which report was concurred in.

Mr. Dobbins, from the committee on county and township business, made the following report:

**MR. SPEAKER :**

The committee on county and township business to whom was referred House bill No. 223, a bill for the more uniform mode of doing township business, have directed me to report the same back to the House in obedience to a resolution thereof.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Crawford, from the committee on swamp lands made the following report :

**MR. SPEAKER :**

The swamp land committee, to whom was referred House bill No. 242, a bill to enable different counties in the State having a swamp land fund, to ascertain and use the amount thereof for the purpose of ditching the swamp lands therein, have had the same under consideration, and directed me to report the following amendment, and when so amended to recommend its passage.

Strike out sec. 5, and insert :

"Sec. 5. The Auditor shall receive one per cent. and the Treasurer of State one-half of one per cent. on the amount due each county, to be paid out of the swamp land fund."

The report was concurred in, the amendment adopted, and the bill ordered to be engrossed.

On motion by Mr. Moore,

The vote taken on concurring in the report of the committee on ways and means, indefinitely postponing House bill

No. 201. A bill to amend section 32 of chapter 6 of the revised statutes of 1852, being an act entitled an act to provide for the valuation and appraisement of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State; approved June 21, 1852.

Was reconsidered.

The question being, shall the report be concurred in and the bill indefinitely postponed.

It was agreed to.

Mr. Conduitt, chairman of the committee on benevolent and scientific institutions, made the following report :

**MR. SPEAKER :**

The committee on benevolent and scientific institutions, to whom was referred so much of the Governor's message as relates to the benevolent institutions of the State, also the report of the trustees of the institution for educating the deaf and dumb, and having visited the institution, beg leave to submit the following report :

There are now at the institution, one hundred and fifty two pupils, who are receiving such a course of moral and intellectual training and industrial instruction, as will enable them, notwithstanding their physical misfortunes, to discharge successfully the great duties of life.

In the literary department the committee had the most gratifying evidences of the practical usefulness of this noble State charity.

The systematic arrangement of pupils into proper classes, their readiness and proficiency in the different branches of study, the order, decorum, and intelligence, shown in their deportment, and the efficiency and devotion to their duties on the part of the corps of instructors, altogether give assurance of a high degree of success in the effort to educate the deaf and dumb children of the State.



In the work shops attached to the institution, are taught cooperating, shoe making, and tailoring. The boys give evidence of capacity for acquiring their trades. The productions of their mechanical labor are equal in quality to those of other apprentices of like experience, and the committee are convinced of the utility and propriety of having their trades, as well as others of like facility and practicability, maintained as permanent features of the institution. They may not add materially to its revenues, but while imposing no charges upon its treasury, the increase being equal to or greater than the expenditures on their account, they impart instructions and skill that will ever be a sure and certain means of support to the pupil.

The farm and garden attached to the institution afford good facilities for instructing the pupils in practical farming and gardening, and the committee feel assured that this branch of their education is carefully imparted. The committee bear cheerful testimony to the order and neatness which are observable in every department, and also to the faithfulness and efficiency of the Superintendent and teachers and general administration of the affairs of the institution.

On making a careful examination, the committee were convinced that a mode different from that now employed for heating institution, should be provided for. Aside from the inefficiency and expensiveness of the old furnaces, it is evident that there is constant danger of a conflagration. On grounds of economy and safety from fire, the committee recommend an appropriation for warming the establishment by steam. By adopting this recommendation there will be a relief from any expense on account of insurance, which at best is a sorry guarantee against the ravages of fire in such an establishment.

The committee also recommend an appropriation for building a wash-house, laundry, &c., which have been and are now greatly needed. The amount asked for this purpose is considered the best appropriation that will be needed for the erection of buildings for several years, and is regarded by the committee, connected as it would be with heating apparatus, as being necessary to the safety and welfare of the institution.

The committee recommend that the superintendent of public instruction be authorized to supply the institution educating the deaf and dumb, with books to the value of two hundred and fifty dollars, the books to be selected by the superintendent of said institution.

The committee are of the opinion that the compensation of the superintendent is inadequate and is not commensurate with the responsibility of his position, they therefore recommend that his salary be increased to twelve hundred dollars a year.

The financial affairs of the institution appear in good condition. It is believed that the appropriation made by the last legislature will be sufficient for the fiscal year ending April 1, 1857.

There will be needed for current expenses as per the estimate of the superintendent:

From April 1, 1857, to April 1, 1858.....	\$28,400
“ “ 1858, “ “ 1859.....	27,400
	<hr/>
Total current expenses for two years.....	\$55,800

The committee recommend as before stated, for apparatus for heating the entire establishment by steam, a sum not exceeding \$10,000.

For erecting and completing a fuel cellar and laundry, a sum not exceeding \$5,850.

For inside repainting, papering and repairs not exceeding \$5,100.

The committee also recommend that the above appropriation for heating apparatus, fuel cellar and laundry, be paid out of the revenues of 1857, and that the appropriation for the inside repainting, papering and repairs, be paid of the revenues for 1858.

The committee recommend that the officers of the institution be restricted in their expenditures to the appropriations herein recommended, and that each appropriation shall be specifically applied to the purpose for which it is made and no other.

On motion,

Was referred to the committee on ways and means.

House joint resolution No. 14. A joint resolution authorizing and directing the superintendent of public instruction to furnish books to the institution for the education of the deaf and dumb.

Which was read a first time, and passed to a second reading.

Mr. Larue, from a select committee, made the following report:

MR. SPEAKER :

The select committee to whom was referred House bill No. 256. “A bill to amend the 6th section of an act regarding estrays and articles adrift, approved June 12th, 1852, with an amendment requiring the publication referred to in the bill to be made in the county paper instead of by the State printer, have had the same under consideration, and have directed me to report the bill back with the amendment and recommend the passage of the original bill, without the amendment.

On motion by Mr. Batterton,

The bill and report were laid on the table.

The hour having arrived, the House proceeded to the consideration of the special order of the day on House bill No. 199. A bill to authorize the State of Illinois to maintain the Calumet feeder dam, and securing the use of the waters of the Calumet

river, and providing the manner of assessing damages sustained by the citizens of Indiana, by the erection thereof, and regulating the draining of swamp lands adjacent to the Calumet river, in the State of Indiana.

The question being on concurring in the report of the committee,

By unanimous consent,

Mr. Conner of Wabash, made the following additional report from the committee:

“A.” No. 1.

Extract from “an act to provide a general system of internal improvements” in Indiana, approved Jan. 17th, 1836:

SEC. 8. And the said board are hereby authorized and required to cause during the present year, a survey and estimate to be made of a canal, if practicable, if not, a railroad from the Wabash and Erie canal at or near Fort Wayne, by the way of Goshen and South Bend and Laporte, if practicable, to Lake Michigan, at or near Michigan City, to be called the Erie & Michigan canal or railroad, said route to be kept within the limits of this State. For the commencement of which within ten years, at the discretion of said board of internal improvements, and the final completion of the same, the faith of the State is hereby irrevocably pledged, and the money necessary to construct the said work shall be obtained in the same manner as is provided for other works, in this act.

“A.” No. 2.

Copy of “an act to extend the Erie & Michigan Canal,” approved Feb. 4th, 1837:

*Be it enacted by the General Assembly of the State of Indiana, That the board of internal improvements be, and they are hereby authorized and directed to cause to be continued a survey of the Northern or Erie & Michigan Canal, from the mouth of Saltcreek, or some other suitable point, thence westward by way of the Grand Calumet river to the State line, with a view of a connection with the Illinois canal, and in the survey, the said Calumet river shall be adopted as a part of said canal, if practicable.*

SEC. 2. Before the board of internal improvements shall proceed to make the said survey, the boards doing county business in the counties of St. Joseph, Lake, Porter, and Laporte shall place under the directors [director] of the board of internal improvements funds sufficient to defray the entire expense of said survey; the said funds shall be paid either out of the county treasuries of said counties, or out of the three per cent. fund, which has been or may hereafter be appropriated to said counties.

SEC. 3. A report of the survey hereby authorized shall be made to the General Assembly. This act to be in force from and after its passage.

## B.

Extract from the message of Gov. Noble, addressed to the General Assembly of Indiana, dated Dec. 5th, 1836:

"Early last spring, a party of engineers was organized and directed to examine into the practicability of the contemplated Michigan & Erie canal. Levels were run across the several summits and thence to the streams relied upon to supply them with water, and the result of the examination affords satisfactory evidence for the belief that a canal may be constructed at a most reasonable cost, from Fort Wayne, keeping within our territory, and passing through the valley of the Elkhart, the Big St. Josephs, and Kankakee, terminating at Michigan City, and opening to that important district of country, the facilities for transportation, which its richness in mineral as well as agricultural products seems to require. And from the formation of the country around the south end of Lake Michigan, *it is supposed the canal may be extended, when the States interested deem it proper, so as to unite with the Illinois and Michigan canal, thus affording to the Illinois valley, the Upper Mississippi, and the country bordering on Lake Michigan, a direct connection with Lake Erie, which will be found more safe and advantageous than the present circuitous route, through the high northern latitude of Lake Huron. From this view of the subject it will be seen that the Michigan and Erie canal besides its importance to the State, has strong claims to the character of a national work.*"

## C.

Extract from the report made by the Indiana State board of internal improvements, to the General Assembly, Dec. 17, 1836:

"In prosecuting the surveys for a canal from Fort Wayne to Michigan city, the commissioner, Mr. Lewis, has spared no pains in his explorations of that region. Early in the season, the surveys were commenced under the immediate charge of Mr. S. Holman, a canal engineer of much ability; but the route which he first examined being, as ordered, on the direct line from St. Joseph to Michigan City, and presenting so many obstacles to be overcome without passing the canal five or six miles through the territory of Michigan, it was deemed advisable to employ an engineer who had practical knowledge of the construction of railroads, with a view of having examinations made for that mode of improvement, Gen. W. B. Mitchell, who has had much experience as an engineer, both in railroads and canals, was charged with the survey, but before he could commence operations Mr. Holman, in the meantime, examined the district of country south of the direct line first examined by him, and reports it altogether practicable to have a canal on the latter route, in which opinion Mr. Mitchell, upon examination fully concurred, and recommended the canal in preference to a railroad.

This latter route lies considerably south of the line first mentioned, is well supplied with water and admits of the construction of a canal at moderate expense. In one part of it there is a considerable deflection from the direct line, and it becomes circuitous, but, upon the whole, this circumstance is not considered objectionable as the public interests will be fully indemnified by the facilities it will afford of being connected with the Illinois canal, and possibly at some future period, with the Wabash and Erie canal, by a work down the valley of the Tippecanoe river. The importance of this route in forming a connection between Lake Erie and Lake Michigan will be readily perceived. The great amount of trade it will command in the lumber, iron, &c., of the northern lakes, its probable and very cheap connection with the Illinois canal, and the prospect of its commanding the rich trade of the Illinois valley, are considerations which conspire to make it one of the most interesting works of the State, and the route should be commenced and carried on with as much rapidity as a due regard to economy will justify."

#### D.

Extract from Gov. Noble's annual message to the General Assembly of Indiana, dated Dec. 5th, 1837:

"A corps of engineers has been engaged the past spring and summer in determining the probable location and cost of the canal to connect the Wabash line with Lake Michigan. The route is understood to be very favorable for the construction of a canal. The examination has been extended to the Illinois line, and sufficient information has been collected, when taken in connection with the surveys made by that State, to show that this work may readily and cheaply be extended so as to intersect the Michigan and Illinois canal. In that way each State would be benefitted by the mutual transportation of a much larger amount of imports and exports than belongs to their respective territories."

#### E.

Extract from the report of the Indiana State board of internal improvements, to the General Assembly, dated Dec. 15th, 1837:

"On the Erie and Michigan canal, a corps of engineers has been engaged the greater part of the season, examining the country thoroughly, testing its adaptation to the contemplated improvement, with a view to its definite location and final connection with the Illinois canal. The president and principal engineer of that canal have recently made a survey for the route on the Illinois side, and found it entirely practicable to make that connection. It will be recollected that the attention of the General Assembly has been heretofore invited by the board to this interesting subject, and they now repeat their conviction of the importance of this connection, which cannot fail to be productive of great commer-



cial facilities, whilst it will add to the wealth and character of the State."

Members of the Board.—D. H. Maxwell, Samuel Lewis, J. B. Johnson, Elisha Long, John Woodburn, John A. Graham, John G. Clendenin, D. Yandes, and Thomas H. Blake.

## F.

Extract from a report of Jesse L. Williams, principal engineer, to the Indiana State board of internal improvements, dated Dec. 5th, 1837, printed in Senate journal, 22d session, page 233 :

"Under the authority of the laws of last session, I made a reconnoissance, in September last, in company with the acting commissioner, of the proposed extension of the Erie & Michigan canal to the west line of the State, with a view of its ultimate connection with the Illinois and Michigan canal. In this examination, we were so fortunate as to meet two of the commissioners and the principal engineer of the Illinois canal, to whom we are indebted for much information in relation to the country, as well as for full explanations of the plans proposed for forming this connection, so far as depends upon that State, a survey of which has already been made by the canal commissioners under legislative authority.

It is the peculiar feature of the country bordering on the southern extreme of the State of Michigan, that its streams, after approaching near the lake, suddenly change their course, and run in a direction parallel with the shore. This singular formation has, no doubt, been produced mainly by the prevalent lake winds, which, operating at this point with accumulated violence, have thrown up successive ridges of sand, conforming in all cases, to the curve of the lake shore, between which the waters find their only channel. The Calumet river, which is formed chiefly by the drainage of Porter and Lake counties, approaches within one and a half miles of the lake, in Porter county, from which point, being checkered by the sand ridges, it runs westerly nearly parallel with the lake shore for a distance of thirty miles, and then, turning easterly abruptly, finds its way to the lake half a mile west of the State line. About six miles above its junction with the lake, the stream divides, and a portion of its waters, in time of floods, are passed off through a capacious channel, generally called the grand Calumet, which runs nearly due east, between the Calumet proper and the lake, for a distance of sixteen miles, uniting with the lake near the east line of Lake county. This extraordinary formation is alluded to here from its being favorable to the object of this examination, as these valleys, by running parallel with the direction of the route, present, along the slopes, a suitable location for a canal. The description here given, and the character of this connection, will be better understood by reference to the accompanying map of the country bordering on the southern extreme of the lake.



The surveys which have been made by the State of Illinois, as we were informed by the engineer, diverges from the Illinois and Michigan canal at a point twenty-four miles west of Chicago, and passing through the Sangawarh swamp, intersects the Calumet river at the rapids, from which point the supply of water will be drawn. From the rapids, the survey follows up the south branch of the Calumet to the line dividing the two States. The length west of our State line will probably be twenty-seven miles, the whole of which has been located on a level nine and a half feet above the surface of lake Michigan. The portion of the line to be constructed by Indiana to effect this communication will probably be about twenty-four miles in length, diverging from the Erie and Michigan as surveyed, in the valley of Salt creek, probably not far from the town of Valpariso, and passing either by the way of the grand Calumet, or a few miles further south, along the valley of the Calumet proper. Sufficient information has been collected to warrant me in saying, that a remarkably cheap and safe location can be had, by one or the other of these routes; although an estimate of the cost cannot now be given, as no actual survey has been made."

#### G.

Extract from the report of the Indiana State board of internal improvement, laid before the legislature of Indiana, December 21, 1838.

"On the northern, or Erie and Michigan canal, it will be recollected that there has been some delay, which causes the citizens in that quarter to manifest great dissatisfaction, and their representatives to press upon the board, from time to time, the expediency and the necessity of the commencement of operations forthwith. This delay was from no unfriendly spirit in the board, but from the uncertainty, after various reconnoissances and examinations had been made, as to the actual supply of water, and the most eligible route. The country was new, and its localities and resources, not well known; it required a minute exploration; and as in addition, the work, when once commenced, could not be easily altered, and was to be regarded as a monument, both of skill and enterprise of the age, the board preferred to stand, for a time, the brunt of popular displeasure, sooner than to act precipitately. The commencement and progress of the work now manifest, that the difficulties that caused them to pause are removed from the minds of the board. It is impossible to look at the map without being struck with the importance of this canal, and the effect it must have in directing the commerce which now floats upon the lakes, and has to undergo a tedious, stormy and dangerous circumnavigation before it can reach Chicago. But to realize this importance, it must be connected with the Illinois and Michigan canal. And the board respectfully suggest to the General Assembly to have some ar-

rangement set on foot for the purpose, so that the two States in making the contemplated junction, may act in unison. In fact, Illinois has already anticipated Indiana in this matter, by having already run, with this object in view, a line to the boundary of the two States, at the supposed point of approach on the part of Indiana; thereby inviting her to do what her duty, interest and character seem to require."

Mr. McDonald of Lake offered the following amendment. Add additional sections :

SEC. —. Each and every person having entered swamp lands overflowed and injured by the building of said dam, shall be entitled to receive the price paid per acre for all lands overflowed in a common stage of water, and ten per cent. interest thereon from the time of entry.

Also, by inserting in section three, in the twenty-fourth line, after the word "expenses," the words "or damages that may be incurred."

SEC. —. This act shall cease and be null and void at the expiration of ten years from the time of its taking effect, and the rights of all persons or parties shall remain and be as if this act had not been passed: *And provided, also,* That nothing in this act shall be construed into an acknowledgment, by the State of Indiana, that the State ever bound herself by contract or otherwise to consent to the building of said dam, nor that the State of Indiana will not require the removal of said dam at the expiration of said term of ten years.

Pending which,

On motion by Mr. Schermerhorn,  
The House adjourned.

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1½ o'clock, P. M.

The House met.

The speaker laid before the House the report of the State agri-

cultural society, together with the reports of the various counties of this State, and

On motion,

Were laid on the table, and six thousand copies ordered to be printed.

The question at adjournment being on the adoption of the amendment of Mr. McDonald of Lake, to the amendment contained in the report of the committee.

It was agreed to.

The question then being on concurring in the report,

It was agreed to, and the bill ordered to be engrossed.

#### BILLS INTRODUCED.

By Mr. Kerr,

No. 325. A bill to amend the first section of an act, entitled an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State, approved June 21, 1852, so as to authorize the board of commissioners of the several counties of the State to assess poll taxes for county expenditures, and to legalize the action of the commissioners, auditors and treasurers of the several counties in the State, where poll taxes have been assessed, levied and collected heretofore.

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

House bill No. 237. A bill to regulate the sale of spirituous, vinous, malt, or intoxicating liquors.

The question being on the adoption of the amendment of Mr. Blake to the amendment offered by Mr. Batterton.

The ayes and noes were demanded by Messrs. Blake and Kerr.

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Ayres, Blake, Bowman, Boyd, Branson, Brown, Bryan, Carnahan, Clark, Claypool, Conduitt, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Harrison, Hayden, Herod, Humphreys, Jefferis, Kerr, Landiss, Lewis, Massey, Marvin, Modesitt, Moore, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Reese, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Trippet, Wallace, Walpole, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker—53.

*Those who voted in the negative were,*

Messrs. Adams, Austin, Ballanger, Batterton, Bethell, Branham, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Davis of Hendricks, Evans, Gordon, Grose, Hawkins, Hoagland, Hutchings, Larue, Mercer, Merrifield, Moon, McDaniel, Neal, Neff, Price, Shuman, Sloss, Smith of Delaware, Steele, Stillwell, Stone, Taggart, Todd, Van Sandt, Wagner, Ward, Whitcomb, and Williams of Lagrange—39.

So the amendment to the amendment was agreed to.

Mr. Cullen moved a call of the previous question.

Which motion was not seconded.

A division of the question being called,

The question being on the first proposition contained in the amendment as amended:

Strike out "less than fifty nor," and add to the section the kind of liquors for which the same are kept for sale.

The ayes and noes were demanded by Messrs. Blake and Robbins.

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Ayres, Blake, Bowman, Boyd, Brown, Bryan, Carnahan, Clark, Claypool, Conduitt, Crowe, Denby, Dobbins, Douglass, Duncan, Early, Edson, Harrison, Hayden, Herod, Humphreys, Kerr, Landiss, Lewis, Massey, Marvin, Modesitt, Moore, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Reese, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Stillwell, Trippet, Wallace, Walpole, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker—50.

*Those who voted in the negative were,*

Messrs. Adams, Austin, Ballenger, Batterton, Bethell, Branham, Branson, Clapp, Colgrove, Conner of Wabash, Crawford, Cullen, Davis of Hendricks, Davis of Sullivan, Evans, Gordon, Grose, Hawkins, Hoagland, Hutchings, Jefferis, Larue, Mercer, Merrifield, Moon, McDaniel, Neal, Price, Shuman, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stone, Taggart, Van Sandt, Wagner, Ward, Whitcomb, and Williams of Lagrange—40.

So the first proposition was adopted.

The question then being on the adoption of the second proposition,

"Strike out five hundred and insert one thousand."

The ayes and noes were demanded by Messrs. Neal and Rob bins.

*Those who voted in the affirmative were,*

Messrs. Austin, Ballenger, Branham, Clapp, Davis of Hendricks, Hawkins, Hayden, Larue, Mercer, Neal, Shuman, Sloss, Stone, Van Sandt, Wagner, and Ward—16.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Allen, Ayres, Batterton, Bethell, Blake, Bowman, Boyd, Branson, Brown, Bryan, Carnahan, Clark, Claypool, Colgrove, Conduitt, Crawford, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Evans, Grose, Harrison, Herod, Hoagland, Humphreys, Kerr, Landiss, Lane, Lewis, Massey, Marvin, Modesitt, Moon, Moore, McDonald of Lake, McGinnis, McKinney, Price, Reese, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Delaware, Steele, Stillwell, Taggart, Trippet, Wallace, Walpole, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Yater, and Mr. Speaker—67.

So the second proposition was not adopted.

Mr. Colgrove moved to recommit the bill with the following instructions :

To strike out the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, and 15th sections, and insert a section embracing the provision in relation to the filing of a bond as contemplated by the 3d section.

Also, strike out the word "license" in the first line of the 19th section.

Mr. Duncan offered the following additional instructions :

Strike out after the enacting clause and add the following:

SEC. 1. That no person shall retail spirituous, vinous, malt, or intoxicating liquors within this State, without first filing with the auditor of the county in which such liquors are to be sold, a bond as hereinafter provided.

SEC. 2. Any person being a legal citizen of this State desiring to sell spirituous, vinous, malt, or intoxicating liquors, shall file with the auditor of his respective county, a good and sufficient bond, with not less than four good freehold sureties, to be approved of by said auditor in a sum not less than one thousand nor more than five thousand dollars, made payable to the State of Indiana, conditioned that he will keep an orderly and peaceable house, and for the payment of all fines, damages and costs that may be assessed against him for the violation of any of the provisions of this act.

SEC. 3. If any person shall directly or indirectly sell or give any intoxicating liquors to a minor, without the consent of parent or guardian, or shall sell or give any intoxicating liquors to any intoxicated person, shall be fined in any sum not less than ten nor more than one hundred dollars.

SEC. 4. Any person who shall adulterate any spirituous or intoxicating liquors intended for sale, or shall sell or offer for sale such adulterated liquors, knowing the same to be adulterated, shall be fined in any sum not less than fifty nor more than five hundred dollars.

SEC. 5. If any person shall sell any spirituous or intoxicating liquors at any public assemblage of the citizens of this State convened together for religious, moral, or political purposes, shall be fined in any sum not less than five nor more than fifty dollars.

SEC. 6. Any person who shall be found in any public place in a state of intoxication to the annoyance or detriment of any person shall be fined in any sum not exceeding ten dollars.

SEC. 7. Any person being injured in person or property in consequence of the intoxication of any person, shall have the right of action against any person and his sureties on the bond aforesaid, who shall by the sale of intoxicating liquors, have caused the intoxication of such person, for all damages sustained. But the person committing the injury shall be held equally responsible.

SEC. 8. All laws coming in conflict with the provisions of this act are hereby repealed.

Mr. Neal offered the following additional instructions:

Amend the 19th section as follows:

Strike out the common schools and insert the following, "all moneys arising from under the provisions of this act, shall be paid into the county treasury for the purpose of building or improving the county jail and the building of bridges and improving roads, as the county commissioners may direct."

Mr. Batterton moved a call of the previous question.  
Which was not seconded by the House.

Mr. Bethell offered the following additional instructions:

Add Sec. 22. Provided, that nothing in this act shall be so construed as to prohibit any person from manufacturing or selling by the barrel.

The question being, shall the bill be recommended with pending instructions,

Mr. Humphries called for a division of the question.

The question being, shall the bill be recommitted,  
It was not agreed to.



Mr. Walpole offered the following amendment :

Strike out "malt" wherever it occurs in the bill, also add these words to the 21st section, "and provided further, that no provision of this act shall be construed to forbid the making of beer, lager beer, ale, or any malt liquor, cider, or native wine, and the sale thereof by wholesale and retail, without license, subject however to all the provisions of this act in reference to nuisances."

The ayes and noes were demanded by Messrs. Moore, and Dobbins.

*Those who voted in the affirmative were,*

Messrs. Bethell, Bowman, Branson, Brown, Bryan, Carnahan, Clark, Davis of Sullivan, Denby, Dobbins, Duncan, Early, Edson, Gordon, Harrison, Herod, Humphreys, Landiss, Lewis, Massey, Modesitt, Moore, McDonald of Lake, McGinnis, McKinney, Reese, Reyman, Robbins, Sherod, Shoulders, Slicer, Trippet, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker—37.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Austin, Ballenger, Blake, Boyd, Branham, Clapp, Colgrove, Conner of Hamilton, Conduitt, Crawford, Crowe, Cullen, Davis of Hendricks, Douglass, Evans, Grose, Hawkins, Hayden, Hutchings, Kerr, Larue, Mercer, Merrifield, Moon, McDaniel, Neal, Neff, Schermerhorn, Shuman, Sloss, Smith of Bartholomew, Steele, Stillwill, Stone, Studabaker, Taggart, Wagner, Wallace, Ward, Whitcomb, and Williams of Lagrange—43.

So the amendment was not adopted.

Mr. Kerr offered the following amendment :

Amend the seventh section by striking out from the end thereof these words: "And upon the hearing of such remonstrances, the board of commissioners may reject such application."

The ayes and noes were demanded by Messrs. Kerr, and Robbins.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Ayres, Bethell, Blake, Bowman, Bryan, Carnahan, Clark, Claypool, Conner of Hamilton, Crowe, Denby, Dobbins, Douglass, Duncan, Edson, Harrison, Herod, Humphreys, Kerr, Landiss, Lane, Lewis, Massey, Modesitt, Moore, McDonald of Lake, McGinnis, McKinney, Reese, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Stillwell, Trippet, Wallace, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker—47.

*Those who voted in the negative were,*

Messrs. Austin, Ballenger, Batterton, Boyd, Branham, Branson, Brown, Clapp, Colgrove, Conner of Wabash, Conduitt, Crawford, Davis of Hendricks, Davis of Sullivan, Early, Evans, Gordon, Grose, Hawkins, Hayden, Hoagland, Hutchings, Jefferis, Larue, Marvin, Mercer, Merrifield, Moon, McDaniel, Neal, Neff, Price, Reyman, Shuman, Smith of Delaware, Steele, Stone, Taggart, Todd, Van Sandt, Wagner, Ward, Whitcomb, and Williams of Lagrange—44.

So the amendment was adopted.

Mr. Blake offered the following amendment:

Amend section 21, second line, after the word fruit, strike out the words "grown in this State by the manufacturer;" third line, strike out the words "by him."

"No provision of this act shall be construed to forbid the making of cider from apples, or native wine from grapes or currents, or other fruit or the sale thereof without license, subject however to all the provisions of this act in reference to nuisances."

Mr. Neff moved to lay the bill and pending amendment on the table.

The ayes and noes being demanded by Messrs. Neff and Wagner.

*Those who voted in the affirmative were,*

Messrs. Adams, Batterton, Bryan, Clapp, Davis of Sullivan, Evans, Gordon, Grose, Hutchings, Jefferis, Larue, Mercer, Merrifield, McDaniel, Neal, Neff, Price, Shuman, Sloss, Smith of Bartholomew, Smith of Delaware, Todd, Van Sandt, Wagner, and Yater—24.

*Those who voted in the negative were,*

Messrs. Abel, Allen, Austin, Ayres, Ballenger, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Carnahan, Clark, Claypool, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Hendricks, Denby, Dobbins, Douglass, Duncan, Early, Edson, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Kerr, Landiss, Lane, Lewis, Massey, Marvin, Modesitt, Moon, Moore, McDonald of Lake, McGinnis, McKinney, Neal, Reese, Reyman, Robbins, Schermierhorn, Sherrod, Shoulders, Slicer, Steele, Stillwell, Stone, Studabaker, Taggart, Trippet, Wallace, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, and Mr. Speaker.—67.

So the bill and amendment were not laid on the table.

The question being on the adoption of the amendment.

The ayes and noes were demanded by Messrs. Moore and Blake.

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Ayres, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Claypool, Conner of Wabash, Conduitt, Crawford, Crowe, Davis of Hendricks, Denby, Dobbins, Douglass, Duncan, Early, Edson, Gordon, Harrison, Hayden, Herod, Hoagland, Humphreys, Jefferis, Kerr, Landiss, Lane, Larue, Lewis, Massey, Marvin, Modesitt, Moon, Moore, McDonald of Lake, McGinnis, McKinney, Neal, Neil, Price, Reese, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Stillwell, Studabaker, Taggart, Trippet, Wagner, Wallace, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Yater, and Mr. Speaker—73.

*Those who voted in the negative were,*

Messrs. Allen, Austin, Branham, Conner of Hamilton, Cullen, Davis of Sullivan, Grose, Hawkins, Hutchings, Mercer, Merrifield, McDaniel, Steele, Stone, and Whitcomb—15.

So the amendment was adopted.

Mr. Stillwell moved a call of the previous question.

Which was seconded by the House.

The question being, shall the main question be now put?

It was agreed to.

The question being, shall the bill be engrossed?

The ayes and noes were demanded by Messrs. Branson and Harrison.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Austin, Ayres, Ballenger, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Carnahan, Clark, Claypool, Cullen, Denby, Dobbins, Duncan, Edson, Grose, Harrison, Hutchings, Kerr, Lane, Lewis, Massey, Mercer, Modesitt, McDonald of Lake, McGinnis, Reese, Reyman, Robbins, Schermerhorn, Shoulders, Slicer, Steele, Stillwell, Stone, Studabaker, Taggart, Trippet, Wallace, Wiley, Williams of Knox, Williams of Lagrange, Williamson, and Mr. Speaker—49.

*Those who voted in the negative were,*

Messrs. Allen, Batterton, Bryan, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Crowe, Davis of Hen-

dricks, Davis of Sullivan, Early, Gordon, Hawkins, Hayden, Herod, Hoagland, Humphreys, Jefferis, Larue, Marvin, Merrifield, Moore, McDaniel, McKinney, Neal, Neff, Price, Sherrod, Shuman, Sloss, Smith of Bartholomew, Smith of Delaware, Todd, Van Sandt, Wagner, Whitcomb, and Yater—39.

So the bill was ordered to be engrossed.

Mr. Steele, from the committee on banks, made the following report:

MR. SPEAKER:

The committee on banks, to whom was referred House bill No. 282, a bill to amend the 48th section of the general banking law of Indiana, and to declare the meaning of said section, have had the same under consideration, and directed me to report the same back, with the following amendments, and when so amended, recommend its passage.

Strike out the emergency clause, and insert,

SEC. 2. Inasmuch as there is not time for many of the banks to procure the bonds in time to comply with the law to which this is an amendment, it is hereby declared that an emergency exists for the immediate taking effect of this act, and the same is therefore declared to be in force from and after its passage.

Which report was concurred in, the amendment adopted, and the bill ordered to be engrossed.

Mr. Blake, from the committee on the organization of courts, made the following report:

MR. SPEAKER:

The committee on the organization of courts, have had House bill No. 71 under consideration, and direct me to report the same back, and recommend its passage.

No. 71. A bill to change and fix the time for holding the several circuit courts in the third judicial circuit.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Dobbins moved that the rules be suspended, and the bill read a third time by its title now.

The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Ayres, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Clapp, Clark, Colgrove, Conner of Hamilton, Conner of Wabash, Conduit, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Edson, Evans, Grose, Harrison, Hawkins, Hayden, Herod, Humphreys, Hutchings, Kerr, Landiss, Lane, Larue, Lewis, Marvin, Mercer, Merrifield, Modesitt, Moore, McDonald of Lake, McGinnis, McKinney, Neal, Neff, Price, Reese, Reyman, Schermerhorn, Sherrod, Shoulders, Shuman, Slicer, Sloss, Todd, Van Sandt, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Yater, and Mr. Speaker—73.

*Those who voted in the negative were,*

Messrs. Carnahan, Claypool, Crawford, Early, Jefferies, McDaniel—6.

So the rules were suspended and the bill read a third time.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Ayres, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Clapp, Clark, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Crowe, Cullen, Davis of Sullivan, Dobbins, Douglass, Duncan, Early, Evans, Grose, Harrison, Hawkins, Herod, Humphreys, Jefferies, Kerr, Landiss, Lane, Larue, Lewis, Marvin, Mercer, Merrifield, Moon, Moore, McDaniel, McDonald of Lake, McGinnis, McKinney, Neal, Neff, Price, Reese, Reyman, Sherrod, Shuman, Slicer, Sloss, Smith of Bartholomew, Steele, Stillwell, Stone, Studabaker, Taggart, Todd, Van Sandt, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Yater and Mr. Speaker—73.

*Those who voted in the negative were,*

Messrs. Carnahan, Conduitt, Edson, Hayden, Shoulders, and Trippet—6.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

## MESSAGES FROM THE SENATE.

A message from the Senate by Mr. Harvey, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following bill of the House, viz :

No. 70. A bill to amend the 6th, 7th, 19th and 20th sections of an act entitled, "an act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto," approved May 13, 1852, with sundry amendments thereto.

In which the concurrence of the House of Representatives is respectfully requested.

The House refused to concur in the engrossed amendment contained in the foregoing message, and,

On motion by Mr. Davis of Sullivan,

The bill and amendment of the Senate, were referred to the committee on the judiciary.

A message from the Senate by Mr. Harvey, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills thereof, viz :

No. 30. A bill to enable the Governor, Auditor, and Treasurer of State, with the advice of the Attorney General, to compromise actions or causes of action between the State and a citizen or citizens thereof.

Also, No. 102. A bill to amend section 25 of an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant, approved May 29th, 1852, and also to facilitate the ditching and draining of swamp lands, and to provide for the payment therefor, in certain cases therein mentioned.

Also, No. 120. A bill to enable married women whose husbands have absented themselves, to exercise the rights of resident householders.

In which the concurrence of the House of Representatives is respectfully requested.

The bills contained in the foregoing message were read a first time, and passed to a second reading.



A message from the Senate, by Mr. Harvey, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bill of the House, viz :

No. 115. A bill declaring what a seal is in contemplation of law requiring deeds of conveyance to be sealed, and declaring the meaning of such laws ; with sundry amendments thereto.

In which the concurrence of the House of Representatives is requested.

On motion,

The House refused to concur in the amendments of the Senate.

On motion by Mr. Kerr,

The bill and amendments were referred to the committee on the judiciary.

A message from the Senate, by Mr. Harvey, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bill of the House, viz :

No. 125. An act to vest certain rights in married women whose husbands have left the State without making suitable provisions for their maintenance, or whose husbands are confined in the State prison ; with sundry amendments.

In which the concurrence of the House is respectfully requested.

The House concurred in the amendments to House bill No. 125, contained in the foregoing message.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Harvey, their Secretary.

MR. SPEAKER :

I am directed to inform the House of Representatives, that the Senate insist upon the 1st engrossed amendment of the Senate to bill of the House,

No. 84. A bill to amend the 31st section of an act for the incorporation of towns, defining their powers, providing for the

election of the officers thereof, and declaring their duties, approved June 11, 1852.

On motion,

The House refuse to recede from their disagreement in concurring in the engrossed amendment to bill No. 84, contained in the foregoing message.

On motion by Mr. Davis of Sullivan,

A committee of free conference was appointed, consisting of Messrs. Davis of Sullivan, Kerr, and Schermerhorn, to act with a similar committee on the part of the Senate.

A message from the Senate by Mr. Harvey, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have adopted the following resolution:

*Resolved*, That Senators Sage, Tarkington, Cravens, Brown and Parker, be, and they are hereby appointed a committee on the part of the Senate, to act with a similar committee on the part of the House of Representatives, to prepare and present to the Senate and House of Representatives, a bill apportioning the State for Senators and Representatives, purposes to which the concurrence of the House of Representatives is respectfully requested.

On motion by Mr. Davis of Sullivan,  
The resolution was laid on the table.

A message from the Senate by Mr. Harvey, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills of the House without amendment, viz:

No. 24. A bill to amend section six of an act, entitled an act touching the laying out and vacating of towns, streets, alleys, public squares and grounds, or any part thereof; the making out and recording of plats of such towns, and providing for the change of the names of such towns, approved May 20, 1852.

No. 56. A bill to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act; also,

No. 80. A bill prescribing punishment for running railroad

trains or locomotives across other railroads without stopping, and to prevent carelessness and accidents in crossing.

A message from the Governor by Mr. Osborne, his secretary:

MR. SPEAKER :

I am directed by his Excellency, the Governor, to inform the House, that he has approved and signed the following bill :

House bill No. 132. An act to amend an act, entitled an act declaratory of the law regulating marriages, and enforcing the provisions thereof by proper penalties, approved March 5, 1852.

Mr. Marvin, from the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills have compared House engrossed bills Nos. 275, 263, 245, 284, 244, 272, and 285, with the originals, and find them correctly engrossed.

Mr. Crowe, chairman of the committee on enrolled bills, made the following report :

MR. SPEAKER :

The committee on enrolled bills have compared enrolled bill of the House No. 80, with the engrossed copy thereof, and find the same correctly enrolled.

Mr. Crowe, chairman of the committee on enrolled bills, made the following report :

MR. SPEAKER ;

The committee on enrolled bills have compared enrolled bill of the House No. 56, with the engrossed copy thereof, and find the same correctly enrolled.

On motion by Mr. Carnahan,  
The House adjourned.

THURSDAY MORNING, 8½ o'clock, }  
February 26, 1857. }

The House met.

The Clerk proceeded to read the journal,  
When,

On motion by Mr. Humphreys,  
The further reading of the journal was dispensed with.

On motion by Mr. Marvin,  
The credentials of the members were referred to the committee  
on elections.

#### PETITIONS, MEMORIALS, AND REMONSTRANCES.

By Mr. Lane,

Petitions signed by sundry citizens in reference to the White  
Water canal.

On motion by Mr. Lane,  
Were referred to a select committee, consisting of Messrs. Lane,  
Wiley, Ayres, Lewis, and Grose.

By Mr. Blake,

A petition signed by R. P. Davidson in reference to the allow-  
ance of a claim.

On motion by Mr. Blake,  
Was referred to the committee on ways and means.

#### REPORTS FROM COMMITTEES.

Mr. Hayden, from the committee on claims, made the following  
report :

MR. SPEAKER :

The committee on claims, to whom was referred the resolution  
of the House in behalf of certain witnesses in the Jasper county  
swamp land sales, have carefully investigated the same, and would  
respectfully report, that it is the opinion of said committee, that  
an allowance of \$25 each in full for mileage and per diem should  
be made, and that the chairman of said committee is hereby in-  
structed to report the same to the Speaker of the House, and rec-  
ommend that said speaker certify the same to the Auditor of State,

who shall draw his warrant for the same, payable to the following persons, witnesses as above, viz: Anson Jewett, \$25; P. A. Knox, \$25; E. Whitson, \$25, and James E. Ballard, \$25, as compensation in full, to be paid out of the swamp land fund of Jasper county.

Which report was concurred in.

Mr. Williamson, from the committee on agriculture, made the following report :

MR. SPEAKER :

The committee on agriculture, to whom was referred House bill No. 250, a bill to amend sections 4 and 6 of an act, entitled an act for the encouragement of agriculture, approved February 17, 1852, have had the same under consideration, and a majority have directed me to report it back, and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Hayden, from the committee on claims, made the following report:

MR. SPEAKER :

The committee on claims, to whom was referred the resolution of the House instructing said committee to inquire into the expediency of allowing Joseph W. Briggs the sum of \$25, for special services as special prosecutor in Sullivan county, as shown by a certified copy of an order of said court, on the 4th judicial day of February term, 1856, and that the clerk was thereby ordered to certify the same; respectfully report that under the 5th section of the act for election and duties of prosecuting attorneys, approved June 11, 1852, provides for the payment of such services. Your committee, therefore, report that further legislation is unnecessary, and ask to be discharged from further consideration of the subject.

Which report was concurred in.

Mr. Conner of Wabash, from the committee on canals and internal improvements, made the following report :

MR. SPEAKER :

The committee on canals and internal improvements, to whom was referred House bill No. 271, a bill to amend an act entitled an act to incorporate the South Bend Manufacturing Company, approved Dec. 28, 1842, so as to repeal so much of sec. 7 of said act as requires said company to keep up and maintain a lock at the dam on the St. Joseph river; have had the same under con-

sideration, and have directed me to report the same back to the House and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Conner of Wabash, from the committee on canals and internal improvements, made the following report:

MR. SPEAKER :

The committee on canals and internal improvements, to whom was referred House bill No. 270, a bill to amend sec. 6 of an act to incorporate the St. Joseph Iron Company, approved Jan. 22d, 1855, and to repeal of said acts sections 7, 8, 9, 10, 11, and 12, whereby said company will be released from the obligation to keep up and maintain a lock at their dam on the St. Joseph river at Mishawaka, have had the same under consideration, and have directed me to report the same back to the House and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Wagner, from a select committee, made the following report :

MR. SPEAKER :

The select committee, to whom was referred House bill No. 283, a bill to provide for the collection and publication of agricultural, mechanical, and manufacturing statistics of the State, have had the same under consideration, and directed me to report the same back to the House with the following amendment, and recommend its passage.

Strike out sec. 10, and insert the following :

All laws heretofore enacted on the subject of agricultural, mechanical, and manufacturing statistics, are hereby repealed.

Which report was concurred in, the amendment adopted, and the bill ordered to be engrossed.

Mr. Kerr, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred House bill No. 220, a bill to prohibit the issue of bank notes for circulation by the Bank of the State of Indiana upon deposits, and to provide for the location of additional branches of said bank, have



had the same under consideration, and have directed me to report the same back with the following amendment in accordance with the instructions of the House, and recommend its passage.

SEC. 3. Thirty days notice of the time and place appointed for the opening of the books for the subscription of the capital stock for any branch that may be established under this act, shall be given by publication in two or more newspapers published in the proper bank district, and such books shall be kept open during the hours from 10 o'clock, A. M., to 4 o'clock P. M., each day, for the space of thirty days, and if more than the requisite amount shall be subscribed, the amount of each subscription shall be reduced in proportion to the amount subscribed, until the whole is reduced to the amount of capital stock to be subscribed for such branch before it shall be organized and go into operation.

Mr. Lane moved to re-commit the bill and report to the committee on banks.

Which was not agreed to.

On motion,

The report was concurred in and the amendment adopted.

Mr. Carnahan moved to indefinitely postpone the bill and amendment.

Mr. Marvin moved a call of the previous question.

The motion was seconded by the House.

The question being, shall the main question be now put?

It was agreed to.

The question being, shall the bill be indefinitely postponed?

The ayes and noes were demanded by Messrs. Lane and Williams of Knox.

*Those who voted in the affirmative were,*

Messrs. Allen, Ballenger, Branson, Bryan, Carnahan, Clapp, Clark, Conner of Wabash, Conduitt, Crowe, Davis of Sullivan, Dobbins, Duncan, Douglass, Duncan, Early, Edson, Gordon, Grose, Hayden, Herod, Lane, Massey, Marvin, Moon, Moore, McGinnis, McKinney, Neff, Reyman, Robbins, Shoulders, Slicer, Studabaker, Taggart, Todd, Trippet, Wallace, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker.—42.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Austin, Bethell, Blake, Bowman, Boyd, Branham, Brown, Claypool, Colgrove, Conner of Hamilton, Craw-

ford, Denby, Evans, Hawkins, Humphreys, Hutchings, Jefferis, Kerr, Landiss, Larue, Mercer, Merrifield, Modesitt, McDaniel, McDonald of Fountain, McDonald of Lake, Neal, Price, Reese, Schermerhorn, Sherrod, Shuman, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stone, Van Sandt, Wagner, Ward, Whitcomb and Williams of Lagrange—44.

So the bill was not indefinitely postponed.

Mr. Studabaker moved to re-commit the bill with the following instructions :

Re-commit to the committee on banks with instructions to amend so that the bank will pay tax on her capital in the same manner that individuals are compelled to pay tax on their capital.

Mr. Williams of Knox offered the following additional instructions :

Sec. —. The 91st section be and the same is hereby repealed.

Mr. Claypool moved a call of the previous question.  
Which was not seconded.

The question being on re-committing with instructions,  
Mr. Lane moved to lay the bill and instructions on the table.  
Which motion was not agreed to.

Mr. Branson moved a call of the previous question.  
Which motion was seconded by the House.

The question being, shall the main question be now put?  
It was agreed to.

The question then being, shall the bill be engrossed? .

The ayes and noes were demanded by Messrs. Studabaker and Lane.

*Those who voted in the affirmative were,*

Messrs. Abel, Bethell, Blake, Boyd, Branham, Brown, Clapp, Claypool, Colgrove, Crawford, Davis of Hendricks, Denby, Evans, Hawkins, Humphreys, Hutchings, Jefferis, Kerr, Larue, Lewis, Mercer, Merrifield, McDaniel, McDonald of Fountain, McDonald of Lake, Price, Schermerhorn, Shuman, Sloss, Smith of Bartholomew, Smith of Delaware, Stillwill, Stone, Van Sandt, Wagner, Ward, and Williams of Lagrange—36.

*Those who voted in the negative were,*

Messrs. Allen, Ayres, Ballenger, Branson, Bryan, Carnahan, Conner of Wabash, Conduitt, Crowe, Davis of Sullivan, Dobbins, Duncan, Early, Edson, Gordon, Grose, Harrison, Hayden, Herod, Landiss, Lane, Massey, Marvin, Modesitt, Moore, McGinnis, McKinney, Neal, Neff, Reyman, Robbins, Sherod, Shoulders, Slicer, Steele, Studabaker, Taggart, Todd, Trippet, Wallace, Whitcomb, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker—46.

So the bill was not ordered to be engrossed.

#### HOUSE JOINT RESOLUTION.

By Mr. Smith of Bartholomew,

No. 15. A joint resolution in regard to printing the acts of 1857 in the German language.

Which was read a first time, and passed to a second reading.

#### BILLS INTRODUCED.

By Mr. Sherrod,

No. 326. A bill to raise a revenue for State purposes for the years 1857 and 1858.

Was read a first time.

Mr. Sherrod moved to suspend the rules, and read the bill by its title now.

The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Ayres, Bethell, Blake, Bowman, Boyd, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Claypool, Colgrove, Conner of Wabash, Conduitt, Crawford, Crowe, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Duncan, Early, Edson, Evans, Grose, Harrison, Hawkins, Hayden, Herod, Humphreys, Hatchings, Jefferis, Kerr, Landiss, Lane, Larue, Lewis, Massey, Marvin, Mercer, Modesitt, McDaniel, McDonald of Fountain, McDonald of Lake, McGinnis, Neal, Neff, Price, Reese, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Shuman, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Stone, Studabaker, Taggart, Todd, Van Sandt, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker—76.

*Those who voted in the negative were,*

Messrs. Ballenger and Moore—2.

So the rules were suspended, and the bill read a second time by its title.

On motion by Mr. Sherrod,  
The bill was laid on the table.

On motion by Mr. Conner of Wabash,  
House bill No. 28: A bill to amend section 8 of an act providing for the election of clerks of the circuit court, and prescribing some of their duties, approved June 7, 1852.

Was taken up and read a third time.  
The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Austin, Ayres, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Colgrove, Conner of Wabash, Conduitt, Crawford, Crowe, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Duncan, Early, Edson, Evans, Grose, Harrison, Hawkins, Hayden, Hutchings, Jefferis, Kerr, Landiss, Lane, Larue, Lewis, Mercer, Merrifield, Modesitt, Moon, Moore, McDaniel, McDonald of Fountain, McDonald of Lake, McKinney, Neff, Price, Reese, Reyman, Robbins, Schermerhorn, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Taggart, Todd, Trippet, Van Sandt, Wagner, Wallace, Ward, Whitcomb, Wiley, Williamson, Yater, and Mr. Speaker—75.

Mr. Herod voted in the negative.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

Mr. Davis of Sullivan moved to take from the table House bill No. 42. A bill relative to salaries of public officers appropriation, and providing the manner of paying the same, with pending amendments.

The question being on the adoption of the amendment to the amendment.

Mr. Williams of Knox called for a division of the question.

The question being on the adoption of the first proposition contained in the amendment to the amendment,

Strike out "two thousand," and insert "fifteen hundred."

It was agreed to.

Mr. Smith of Bartholomew moved to lay the bill and amendments on the table.

The ayes and noes were demanded by Messrs. Smith of Bartholomew and Davis of Sullivan.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Ayres, Bowman, Branham, Bryan, Carnahan, Clapp, Clark, Colgrove, Conner of Wabash, Conduitt, Crowe, Davis of Hendricks, Davis of Sullivan, Duncan, Early, Edson, Evans, Grose, Harrison, Herod, Jefferis, Landiss, Massey, Marvin, Mercer, Modesitt, Moore, McDaniel, McGinnis, McKinney, Neal, Neff, Reese, Reyman, Shoulders, Slicer, Sloss, Smith of Bartholomew, Stone, Taggart, Todd, Trippet, Vawter, Wallace, Ward, Whitcomb, Wiley, and Yater—51.

*Those who voted in the negative were,*

Messrs. Ballanger, Bethell, Blake, Branham, Brown, Crawford, Denby, Dobbins, Douglass, Hawkins, Hayden, Humphreys, Hutchings, Kerr, Lane, Larue, Lewis, Merrifield, Moon, McDonald of Fountain, McDonald of Lake, Price, Robbins, Schermerhorn, Sherrod, Shuman, Smith of Delaware, Steele, Stillwell, Studabaker, Wagner, Williams of Knox, Williamson, and Mr. Speaker—34.

So the bill and amendments were laid on the table.

By Mr. Schermerhorn,

No. 327. A bill to amend sections 95, 97, and 101, of an act entitled, "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties and matters properly connected therewith, and to establish township libraries, and for the regulation thereof.

Which was read a first time.

Mr. Schermerhorn moved to suspend the rules and read the bill a second time by its title now.

The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Bethell, Blake, Bowman, Boyd, Branham, Brown, Carnahan, Clapp, Clark, Conner of Wabash, Conduitt, Crawford, Crowe, Davis of Sullivan, Denby, Douglass, Duncan, Early, Edson, Evans, Grose, Harrison, Hawkins, Hayden, Herod, Humphreys, Hutchings, Kerr, Landiss, Lane, Larue, Lewis, Massey, Marvin, Merrifield, Moore, McKinney, Neal, Neff, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Sloss, Smith of Delaware, Steele, Stillwell, Stone, Studabaker, Taggart, Todd, Trippet, Vawter, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Yater, and Mr. Speaker—68.

No person voted in the negative.

So the rules were suspended, and the bill read a second time by its title, and

On motion by Mr. Lane,  
Referred to the committee on education.

On motion by Mr. Marvin,  
The House adjourned.

1½ O' CLOCK P. M.

The House met.

#### BILLS INTRODUCED.

By Mr. Wagner,

No. 328. A bill to regulate the practice in the supreme court of the State of Indiana.

Which was read a first time, and passed to a second reading.

Mr. Conduitt, from the committee on benevolent and scientific institutions, made the following report :

MR. SPEAKER :

The committee on benevolent and scientific institutions, to whom was referred the report of the commissioners and superintendent of the Indiana Hospital for the Insane, having had the same under consideration, have directed me to report the accompanying bill, and respectfully recommend its passage :

No. 329. A bill to amend sec. 4, of an act entitled, "an act for the government of the Indiana Hospital for the Insane."

Which was read a first time and passed to a second reading.

By unanimous consent,

Mr. Wallace offered the following resolution :

*Resolved*, That the Doorkeeper of this House be required to procure two dollars' worth of one cent stamps, and one dollars' worth of three cent stamps for each member and officer of this House.

Which was agreed to.

H. J.—54.



Mr. Dobbins, from the committee on county and township business, made the following report :

MR. SPEAKER :

The committee on county and township business, to whom was referred House bill, No. 248, being "a bill to amend the 7th section of an act entitled an act for the relief of the poor, approved June 9th, 1852, so as to authorize boards of county commissioners to provide in certain counties for keeping the poor," have had the same under consideration, and directed me to report it back and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Colgrove, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 73, being "a bill to authorize the treasurer and auditor of State to settle with and credit Henry P. Rowen with certain sums of money, deposited in the Wabash Valley Bank, as also checks drawn on the same," have had the same under consideration, and instructed me to report it back and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Colgrove, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 190, being "a bill to provide for the payment of the claim of Morehead, Hall & Co., against the State of Indiana," have had the same under consideration, and directed me to report it back with accompanying amendments, and when so amended to recommend its passage :

Amend by adding the following section :

"The auditor of State shall not audit said claim for payment until he shall have taken the opinion of the judges of the supreme court of this State, as to whether the State is legally or equitably bound to pay the same, nor until the opinion of a majority of said judges shall have been given, affirming such legal or equitable liability."

Which report was not concurred in.

Mr. Conduitt moved to indefinitely postpone the bill.

Mr. Smith of Bartholomew, moved a call of the previous question,

Which motion was not seconded by the House.

The question recurring on the indefinite postponement of the bill,

The ayes and noes were demanded by Messrs. Grose and Carnahan.

*Those who voted in the affirmative were,*

Messrs. Adams, Ayres, Ballanger, Batterton, Bethell, Bowman, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Claypool, Conner of Wabash, Conduitt, Crowe, Davis of Sullivan, Davis of Hendricks, Denby, Dobbins, Duncan, Early, Edson, Grose, Harrison, Hayden, Herod, Humphreys, Jefferis, Landiss, Lane, Lewis, Marvin, Modesitt, Moore, McDaniel, McGinnis, McKinney, Neal, Neff, Reyman, Robbins, Sherrod, Shoulders, Sloss, Smith of Bartholomew, Stillwell, Stone, Studabaker, Taggart, Trippet, Van Sandt, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Lagrange, Williamson, Yater, and Mr. Speaker—60.

*Those who voted in the negative were,*

Messrs. Allen, Austin, Blake, Boyd, Branham, Colgrove, Conner of Hamilton, Crawford, Cullen, Douglass, Gordon, Hawkins, Hoagland, Hutchings, Kerr, Larue, Massey, Mercer, Merrifield, McDonald of Fountain, McDonald of Lake, Price, Reese, Schermerhorn, Smith of Delaware, Todd, Vawter, Walpole, and Williams of Knox—29.

So the bill was indefinitely postponed.

#### HOUSE BILLS ON THIRD READING.

No. 175. A bill to amend the second section of article 2d of the constitution of the State of Indiana.

Was read a third time.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Allen, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Hendricks, Douglass, Early, Edson, Evans, Gordon, Grose, Haw.

kins, Hayden, Herod, Hoagland, Humphries, Hutchings, Jefferis, Kerr, Landiss, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Moon, McDonald of Lake, McGinnis, Neal, Neff, Price, Reese, Reyman, Robbins, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stone, Studabaker, Van Sandt, Vawter, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, and Yater—68.

*Those who voted in the negative were,*

Messrs. Adams, Ayres, Claypool, Colgrove, Conner of Hamilton, Davis of Sullivan, Dobbins, Duncan, Harrison, Modesitt, Moore, McKinney, Sherrod, Shoulders, Taggart, Trippet, Walpole and Mr. Speaker—18.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

No. 184. A bill to amend section of "an act providing for the election of clerks of the circuit court, and prescribing some of their duties," approved June 7, 1852.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Austin, Ayres, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Brown, Clapp, Claypool, Colgrove, Conner of Wabash, Conduitt, Crowe, Cullen, Davis of Sullivan, Davis of Hendricks, Denby, Dobbins, Duncan, Early, Evans, Gordon, Grose, Harrison, Hoagland, Humphreys, Hutchings, Jefferis, Kerr, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moon, McDonald of Lake, McGinnis, Neal, Neff, Price, Reese, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Sloss, Smith of Bartholomew, Smith of Delaware, Studabaker, Taggart, Trippet, Van Sandt, Vawter, Wagner, Walpole, Whitcomb, Wiley, Williams of Lagrange, Williamson, and Yater—68.

*Those who voted in the negative were,*

Messrs. Allen, Carnahan, Clark, Edson, Herod, Landiss, Moore, McKinney, Slicer, and Mr. Speaker—10.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

No. 181. A bill to amend section three hundred and twenty-one of an act entitled, "an act to revise, simplify and abridge, the rules, practice, pleadings, and forms in civil cases, in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18th, 1852.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs Allen, Austin, Ayres, Blake, Boyd, Branham, Branson, Brown, Carnahan, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Hendricks, Denby, Dobbins, Douglass, Duncan, Edson, Evans, Gordon, Grose, Hayden, Herod, Hoagland, Hutchings, Jefferis, Kerr, Landiss, Lane, Lewis, Marvin, Mercer, Merrifield, Modesitt, Moon, McDaniel, McDonald of Lake, McGinnis, McKinney, Price, Reese, Schermerhorn, Sherrod, Shoulders, Slicer, Sloss, Smith of Bartholomew, Steele, Stillwell, Taggart, Trippet, Van Sandt, Vawter, Wagner, Wallace, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, and Mr. Speaker—66.

*Those who voted in the negative were,*

Messrs. Ballenger, Batterton, Bowman, Clapp, Clark, Davis of Sullivan, Early, Larue, Massey, Moore, Studabaker, Walpole, and Yater—13.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

No. 109. A bill to amend the sixth section of an act entitled, "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the treasurer and auditor of State, approved June 21st, 1852, so as to exempt certain property therein named from taxation.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Austin, Ayres, Ballenger, Bethell, Blake, Boyd, Branham, Brown, Carnahan, Clapp, Claypool, Conner of Hamilton, Conner of Wabash, Crawford, Cullen, Davis of Hendricks, Dobbins, Douglass, Edson, Grose, Hawkins, Hayden, Hoagland, Hutchings, Kerr, Larue, Lewis, Mercer, Moon, McDaniel, McDonald of Lake, Neal, Neff, Price, Schermerhorn, Sherrod, Shoulders, Slicer, Sloss, Smith of Delaware, Steele, Stillwell, Studabaker, Trippet, Van Sandt, Vawter, Wagner, Wallace, Walpole, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, and Mr. Speaker.—55.

*Those who voted in the negative were,*

Messrs. Bowman, Bryan, Clark, Conduitt, Crowe, Davis of Sullivan, Denby, Duncan, Early, Gordon, Herod, Landiss, Lane, Marvin, Merrifield, Moore, McGinnis, Reese, Reyman, Smith of Bartholomew, Taggart, Williamson, and Yater—26.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Steele, from the committee on banks, made the following report:

**MR. SPEAKER:**

The committee on banks, to whom was referred House bills No. 258. A bill to regulate and authorize the business of general banking; and No. 236. A bill to provide for a bank department, on the subject of general banking, have had the same under consideration, and have instructed me to report that they strike out from the enacting clause of bill No. 236, and insert in lieu thereof the following bill and recommend its passage, and that they ask to be discharged from the further consideration of the two above named bills.

That section six of said amended act, which is in the words and figures following, to-wit:

SEC. 6. Whenever any association of persons, formed under this act, shall legally transfer to the treasurer of State fifty thousand dollars worth of Stocks or bonds such as hereinafter specified, such association of persons shall be entitled to receive from the said auditor for every one hundred and ten dollars worth of stocks or bonds thus transferred and deposited, only one hundred dollars in notes of different denominations, registered and countersigned as aforesaid, to be used by them in the usual course of banking as money: *Provided*, That if all the persons composing such as-

sociations shall be bona fide residents of this State, and bona fide owners, in their own right, and not in trust or for the use and benefit of others, of the stocks or bonds transferred and deposited as aforesaid, then for every one hundred and ten dollars in notes as aforesaid; *And provided further*, That the aggregate amount of bank circulation, under the provisions of this act shall not exceed six million dollars; *And provided further*, That no association under this act shall have a greater circulation than two hundred thousand dollars; *Provided further*, That the bank notes issued by any banking associations shall be receivable in payment of any debt or liability due the banking association so issuing such bank notes, and the same rule shall prevail for one year after said transfer of said bank or other stock thereof to individuals for banking purposes, in regard to the debts and liabilities incurred either before or after such transfer,

Be and the same is hereby amended to read as follows:

SEC. 6. Whenever any association of persons hereafter formed under this act shall legally transfer to the treasurer of State fifty thousand dollars worth of such stocks or bonds as hereinafter specified, such association shall be entitled to receive from said Auditor for every one hundred dollars worth of stocks or bonds so transferred and deposited one hundred dollars and no more of notes of different denominations registered and countersigned as aforesaid, to be used by them in the usual course of business as money; *Provided*, That such persons shall then be and shall have been for one year before bona fide residents of the State of Indiana, and shall be the owners in their own right and not in trust of at least one half of the stock or bonds so transferred, and shall have fully complied with section forty-six of said amended act: *Provided further*, That from and after the passage of this act no stocks or bonds shall be so transferred or deposited, other than stocks or bonds founded on the public debt of the State of Indiana or the United States of America, and such stocks or bonds shall not be so transferred and deposited at more than their market value in the city and State of New York, and not above par, and shall be scaled and estimated so as to be made equal to stocks or bonds bearing six per cent interest in all cases; *Provided further*, That nothing contained in this act shall be so construed, as to require banks already established to change the stocks or bonds already deposited by them, but such stocks shall be scaled and estimated as aforesaid, and the Treasurer of State shall immediately after the passage of this act, upon the request of any banking association which shall have deposited additional stocks or bonds so as to make such stocks or bonds equivalent to one hundred and ten dollars of such stocks or bonds for every one hundred dollars of circulating notes issued, return to such association such part of the stocks or bonds pledged for the redemption of its notes, as will leave one hundred dollars of stocks or bonds in the hands of the treasurer for the redemption of each



hundred dollars of its outstanding circulation, which stocks or bonds shall also be scaled and estimated as aforesaid, and not above their par value and not beyond their market value in said city of New York, and if any association shall have deposited either with the Auditor or Treasurer of State, any part of such additional stock or bonds towards making up the one hundred and ten dollars of stock or bonds, for every one hundred dollars of circulation it shall in like manner be entitled to demand or receive from such auditor or treasurer, as the case may be, such portions of its stock or bonds as will leave one hundred dollars thereof for the redemption of each one hundred of its circulation; *Provided however*, That every such association shall first comply with section forty-six of said amended act.

SEC. 2. Every such association shall have the right by and with the consent of Auditor and Treasurer of State, to remove their bank to some other place within the State of Indiana, and upon obtaining such consent, which shall be in writing, and filed in the office of the Auditor of State, shall immediately publish the fact of such removal in two newspapers printed at Indianapolis in the State of Indiana.

SEC. 3. Sections thirty-four and fifty-four of said amended act are hereby repealed.

SEC. 4. Section 3 of said amended act, which sec. is in the words and figures following, to-wit: Such bank notes in blank, so procured and placed in the hands of the Auditor as aforesaid, shall be of the denominations usually issued by banks—from one dollar to five hundred dollars—but such notes shall not be of any intermediate number between five and ten dollars, ten and twenty, twenty and fifty, fifty and one hundred dollars. *Provided, however*, that no banking association under this act shall be authorized to issue bills for circulation of less denomination than five dollars, to an amount not exceeding one-twentieth of their whole issue. *Provided further*, That no bank under this act shall be authorized to receive or pay out any note or bill of less denomination than five dollars, issued by any bank or other corporation out of this State, is hereby amended to read as follows:

SEC. 4. Such bank notes in blank, so procured or placed in the hands of the Auditor as aforesaid, shall be of the denominations usually issued by banks—from one to five hundred dollars, but not more than one-sixth of the notes hereafter to be issued to any bank shall be of a denomination less than five dollars. *Provided, however*, That this section shall not apply to the circulation of any bank outstanding at the date of the passage of this act, but only to notes hereafter to be issued, unless the proportion of such notes in circulation of a less denomination issued by any such bank, to all their outstanding notes, shall be less than one-sixth, and in that case such bank shall be entitled to receive from said Auditor a sufficient amount of said notes of a less denomination than five dollars, to make the proportion of such notes to its whole circulation one-sixth, as aforesaid.

Sec. 5. To prevent frauds on the public and insure a safe currency, an emergency exists in the opinion of the General Assembly, for the immediate taking effect of this act, it is therefore declared that the same shall take effect and be in force from and after its passage.

Which report was concurred in, and the bill ordered to be engrossed.

On motion by Mr. Blake,

No. 162. A bill for the creation of townships, election of trustee, duties of trustee, and mode of assessing township tax and doing township business.

Was taken up.

Mr. Blake moved to recommit to a special committee of three with the annexed special instructions:

Amend sec. 11, 2d line strike out the word "his" and insert "each."

Sec. 12, 2d line, after the word "shall," add "file a report thereof with the county treasurer, by whom it shall be returned in his report to the board of county commissioners, and "

Sec. 14, 1st line, after the word "elected" add the words "or appointed."

Amend sec. 8, add the following words to the section: And shall be always open for public inspection. The present township trustees and township clerks shall deliver over to such trustee all books and papers in their hands connected with their offices, and the township treasurer shall pay over to the county treasurer all moneys remaining in his hands as such treasurer.

Amend sec. 7, add to the section the following: But all the duties heretofore devolving by him upon the township trustees in relation to the laying out and vacating highways, shall after the taking effect of this act, be performed by the board of county commissioners, except as provided by this act.

Add to the 6th line after 1852, the words "and the amendments thereto."

Amend sec. 14, add, the office of township clerk and township treasurer are hereby abolished.

Sec. 15, Strike out the word "day" and insert "Monday."

Which was agreed to.

Mr. Boyd offered the following instructions:

Strike out all after the word act in the ninth line of the seventh section, and strike out the whole of the 11th section.

Add between the word township and the word and in the second line of the twelfth section, the following :

And shall give to each supervisor a receipt for his services as such, which shall exempt the holder from any further labor upon highways for twelve months thereafter.

Which was not agreed to.

Mr. Lane offered the following instructions :

Amend so as to authorize the election of one additional trustee to take charge of the school matters in each township, and a township treasurer, who shall be treasurer of the township funds and school funds belonging to the township.

Which was not agreed to.

Mr. Hutchings offered the following instructions :

Strike out one trustee wherever it occurs and insert three trustees in lieu thereof.

Provide that justices of the peace shall be ex-officio overseers of the poor.

Sec. 11, by striking out trustee and inserting in lieu thereof, board doing county business may levy such tax.

Provide that the Trustees shall be judges of elections.

Which was not agreed to.

Mr. Ward offered the following instructions :

So amend as to provide for a township treasurer, who shall have custody of and paying out the funds of the proper township.

Which was not agreed to.

On motion by Mr. Cullen,

House bill No. 272. A bill to prevent market houses from being built upon streets of towns or cities without the consent of the owners of lots on such streets, and to authorize the removal of the same.

Was taken up, and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Clapp, Claypool, Conner of Hamilton, Conner of Wabash, Crawford, Crowe, Cullen, Davis

of Hendricks, Davis of Sullivan, Denby, Dobbins, Douglass, Early, Evans, Grose, Harrison, Hawkins, Hayden, Hoagland, Hutchings, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Moon, McDaniel, McGinnis, McKinney, Price, Reese, Robbins, Schermerhorn, Sherrod, Shuman, Sloss, Steele, Stillwell, Stone, Studabaker, Van Sandt, Vawter, Wagner, Wallace, Walpole, Ward, Whitcomb, Williamson and Yater—62.

*Those who voted in the negative were,*

Messrs. Ayres, Carnahan, Clark, Conduitt, Duncan, Edson, Herod, Landiss, Modesitt, Moore, Reyman, Shoulders, Slicer, Smith of Bartholomew, Trippet, Wiley, Williams of Knox, Kerr, and Mr. Speaker.—19.

So the bill passed.

*Ordered*, That the clerk inform the Senate thereof.

Mr. Studabaker, from a select committee, made the following report:

MR. SPEAKER:

The special committee, to whom was referred House bill No. 66, an act for the safe keeping and investment of the sinking fund arising from the one hundred and fourteenth section of the bank charter, have had the same under consideration according to order and have made amendments as instructed, and herewith reported, and when so amended recommend its passage.

Sec. 6. The Auditor of State in making distribution of said funds as required by this act, shall not take into account in equalizing the same, the congressional township fund, in the different counties of this State.

Sec. 7. *And be it further enacted*, That inasmuch as it is considered by many that the powers of the present board of sinking fund commissioners will cease from and after the 1st day of January, 1859, therefore, at the general election to be held on the second Tuesday in October, 1858, there shall be elected by the qualified voters of the State, five commissioners of the sinking fund, who shall enter upon the discharge of their duties on the 1st day of January, 1859, and continue in office two years, and until their successors are elected and qualified.

Sec. 8. Before entering upon the discharge of their duties they shall each severally take an oath of office, and enter into a penal bond in the sum of one hundred thousand dollars each, payable to the State of Indiana, conditioned for the faithful discharge of their duties, according to the law approved of by the Governor, which shall be filed and recorded in the office of the Secretary of State.

Sec. 9. Said commissioners of the sinking fund shall organize themselves into a board by electing one of their number president of such board; and such board when organized, shall have power to appoint a Secretary, who shall take a like oath and file a like bond, as required of each of the said board; he shall hold his office during the pleasure of the board, and receive such compensation as may be fixed by law.

Sec. 10. The said board of sinking fund commissioners, when so organized, shall have all the powers and be subject to all the liabilities of the present board of sinking fund commissioners, and shall, from time to time, discharge all the various duties now required by law of the present board, or as may be from time to time required of them by law; and shall receive for their services the same compensation as is now allowed by law to the sinking fund commissioners.

Sec. 11. On the first day of January, 1859, it shall be the duty of the present board of commissioners of the sinking fund to make settlement with the Governor, Auditor, Secretary, and Treasurer of State, of all matters connected with the said fund, and of all matters connected with the interest of the State in the State bank; and immediately thereafter they shall pay over and hand over to the board of commissioners organized under this act, all moneys, books, papers, bonds, and effects of any and every manner, kind, or nature, belonging to said fund, and in their hands or possession, or under their control.

Sec. 12. From and after the time the said sinking fund shall be paid over to the Treasurer of State for the several counties, as is provided by this act, said board of commissioners of the sinking fund shall cease to exist.

Sec. 13. But nothing in this act shall be construed as repealing any act passed, or that may be passed at the present session of the General Assembly, giving day of payment to borrowers and the officers of said fund, in any loans that they may hereafter make, shall as far as possible, discriminate in favor of those counties in which a due proportion of said fund has not heretofore been loaned.

Which report was concurred in, and

On motion by Mr. Studabaker,

The bill was made the special order of the day for to-morrow morning at 10 o'clock.

No. 215. A bill to amend 91st section of an act entitled an act to establish a bank with branches, approved March the 3d, 1855.

Was read a third time, and

On motion by Mr. McDonald of Lake,

Referred to the committee on the judiciary, with the following instructions:

“To enquire into its constitutionality.”

No. 227. A bill to amend an act to authorize and limit allowances by courts and boards, and draft upon county treasurers, approved May 27, 1852.

Was read a third time,

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Branham, Conner of Hamilton, Crawford, Davis of Hendricks, Duncan, Gordon, Hayden, Larue, Mercer, McGinnis, McKinney, Neal, Price, Shoulders, Shuman, Slicer, Sloss, Van Sandt, Vawter, Walpole, Ward, and Williams of Knox—22.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Batterton, Bethell, Blake, Bowman, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Claypool, Conner of Wabash, Conduitt, Crowe, Cullen, Davis of Sullivan, Douglass, Early, Edson, Evans, Grose, Harrison, Herod, Humphreys, Landiss, Lane, Lewis, Massey, Marvin, Merrifield, Modesitt, Moon, Moore, McDonald of Lake, Neff, Reyman, Robbins, Schermerhorn, Sherrod, Smith of Bartholomew, Stillwell, Stone, Studabaker, Trippet, Wagner, Wallace, Whitcomb, Wiley, Williams of Lagrange, Williamson, Yater, and Mr. Speaker—58.

So the bill did not pass.

No. 221. A bill to reduce the width of the Michigan road, lying between Indianapolis and Logansport, from 100 feet to 60 feet in width.

Was read a second time, and

On motion by Mr. Crawford,

Re-committed with instructions to strike out "Logansport," and insert "Michigan City."

Mr. Claypool moved to adjourn.

It was not agreed to.

No. 241. A bill to establish forms for criminal proceedings, and to declare void the use of such forms hereafter,

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Ayres, Ballenger, Bethell, Blake, Boyd, Branham, Branson, Brown, Carnahan, Clapp, Claypool, Conner



of Wabash, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Duncan, Douglass, Edson, Evans, Gordon, Grose, Hayden, Herod, Humphreys, Hutchings, Kerr, Landiss, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moon, McDonald of Lake, McGinnis, McKinney, Neff, Reyman, Schermerhorn, Shoulders, Shuman, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Stone, Studabaker, Trippet, Van Sandt, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, and Mr. Speaker—65.

*Those who voted in the negative were,*

Messrs. Early, and Walpole—2.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

By unanimous consent,  
Mr. Kerr introduced,

Joint Resolution No. 16. A joint resolution in reference to the management of the public property of the State of Indiana, &c.  
Which was read a first time.

Mr. Kerr moved to suspend the rules and read the joint resolution a second time now.

The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Ayres, Ballenger, Bethell, Blake, Bowman, Branham, Branson, Brown, Carnahan, Conner of Wabash, Crowe, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Evans, Gordon, Hayden, Herod, Humphreys, Hutchings, Kerr, Landiss, Lane, Larue, Lewis, Marvin, Mercer, Merrifield, Moon, Moore, McDonald of Lake, McGinnis, McKinney, Neff, Reese, Robbins, Schermerhorn, Sherrod, Shoulders, Sloss, Smith of Bartholomew, Smith of Delaware, Stillwell, Stone, Studabaker, Taggart, Todd, Trippet, Wallace, Walpole, Ward, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker—62.

No person voted in the negative.

No quorum voting,  
So the rules were not suspended.

A message from the Governor by Mr. Osborne, his Secretary :

MR. SPEAKER :

I am directed by His Excellency, to inform the House, that he has approved and signed the following bills :

House bill No. 80. An act prescribing punishment for running railroad trains or locomotives across other railroads without stopping, and to prevent carelessness and accidents in crossing.

House bill No. 56. An act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act.

Mr. Todd, from the committee on engrossed bills made the following report :

MR. SPEAKER :

The committee on engrossed bills have carefully examined House bills No. 223 and 216, and find them correctly engrossed.

Mr. Marvin, chairman of the committee on engrossed bills made the following report :

MR. SPEAKER :

The committee on engrossed bills have compared engrossed House bills Nos. 237, 294, and 301 with the original and find them correctly engrossed.

Mr. Todd, from the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills, have examined House bills Nos. 287 and 297, and find them correctly engrossed.

Mr. Marvin, from the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills have examined House bill No. 282, and compared it with the engrossed bill, and find it correctly engrossed.

Mr. Williams of Knox, from the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills, have examined bills Nos. 259, 267, 276, and 330, and joint resolution No. 13, and find them correctly engrossed.

Mr. Crowe, chairman of the committee on enrolled bills, made the following report :

MR. SPEAKER :

The committee on enrolled bills have compared enrolled bill of the House, No. 24, with the engrossed copy thereof, and find the same correctly enrolled.

On motion by Mr. Stillwell,  
The House adjourned.

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FRIDAY MORNING, 8½ o'clock, }  
February 27, 1857. }

The House met.

On motion by Mr. Grose,  
The reading of the journal was dispensed with.

PETITIONS, MEMORIALS, AND REMONSTRANCES.

By Mr. Conner of Hamilton,

A petition signed by John D. Stephenson, in reference to orders drawn on fund commissioners.

Which,

On motion,

Was referred to the committee on ways and means.

## REPORTS FROM COMMITTEES.

Mr. Moon, from the committee on ways and means, made the following report :

MR. SPEAKER :

The committee on ways and means, to whom was referred House bill No. 206. "A bill to provide for the collection, safe keeping, transfer, and disbursement of the State and county revenue," have had the same under consideration, and a majority of said committee have instructed me to report the same back with the following amendments, and when so amended recommend its passage :

1st amendment—

Strike out the figures "1858" in the first section, and insert the figures "1863," in lieu thereof.

2d amendment—

In section 4, 3d line, insert the words, "or procure" after the word "prepared;" strike out the word "and" and insert the word "or," and after the word "safes" insert the words "and place;" in the 11th line insert the words "after that date," after the word "occupancy."

3d amendment—

In section 6, strike out the words "at each of their regular sessions," in the 9th and 10th lines and insert the words "annually at their regular June session" in lieu thereof.

Which was not concurred in.

Mr. Larue, from the committee on ways and means, made the following minority report :

MR. SPEAKER :

The majority of the committee of ways and means, to whom was referred House bill No. 206, respectfully submit that it is inexpedient to require the people of this State to pay their taxes in gold and silver while the State is fostering all kinds of institutions incorporated for the purpose of issuing paper money.

That while our taxes are heavy it is inexpedient to increase them, for the benefit of banks and brokers, and as a proof that the proposed legislation would benefit such institutions, I submit the following revisions:

1st. Under the currency regulations now established, the business transactions of the people of this State must necessarily be regulated by paper currency.

2d. With such currency in the hands of the people they will be compelled to pay an enormous per cent. to banks and brokers for

the purpose of exchanging paper for hard currency for the payment of taxes.

It is therefore respectfully recommended by the minority of said committee, that Bill No. 206 be indefinitely postponed.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Blake, from the judiciary committee, made the following report:

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 136, "a bill to declare the effect of payment to heirs legatees, distributees of their shares in estates of deceased persons, have considered the same and recommend its indefinite postponement.

Which report was concurred in and the bill indefinitely postponed.

Mr. Studabaker, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred House bill No. 45, an act regulating fees and costs of county clerks, sheriffs, coroners, prosecuting attorneys, justices of the peace, constables, and witnesses in criminal cases, have had the same under consideration and direct me to report the same back and recommend that it be indefinitely postponed.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Conner of Wabash, from the committee on the judiciary made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred House bill No. 70, being an act to amend the 6th, 7th, 19th and 20th sections of an act entitled, "an act regulating the granting of divorces, nulification of marriages, and decrees and orders of court incident thereto, and the Senate amendments thereto, have had the same under consideration, and have directed me to report, that in the opinion of the committee, it is inexpedient to concur in said amendments; the said committee have therefore directed me to report said bill and amendments back, and recommend that the House refuse to concur in said amendments.

Which report was concurred in.

Mr. Blake, from the judiciary committee, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 107. A bill requiring railroad companies within this State, to provide suitable and convenient station houses for the accommodation of travelers, have examined the same and recommend its indefinite postponement.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Studabaker, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred Senate bill No. 9, an act defining embezzlement, and prescribing the punishment therefor, have had the same under consideration, and direct me to report the same back and recommend its indefinite postponement.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Blake, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 251, a bill to legalize the collection of taxes, made during the year 1856, in conformity with an act to appraise the real estate of this State, and to make the value of the same equal and uniform throughout this State, approved Feb. 13, 1851, have had the same under consideration, and direct me to report the same back and recommend its passage.

On motion by Mr. Walpole,

The bill was considered as engrossed, and the bill read a third time.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Claypool, Colgrove, Conner of Hamilton, Con-



ner of Wabash, Conduitt, Crawford, Crowe, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Evans, Gordon, Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Hutchings, Jefferis, Landiss, Lane, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moon, Moore, McDaniel, McDonald of Lake, McFarland, McGinnis, McKinney, Neal, Neff, Price, Reese, Reyman, Robbins, Schermerhorn, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Stillwell, Stone, Studabaker, Taggart, Todd, Trippet, Van Sandt, Walpole, Ward, Whitcomb, Wiley, Williams of La-grange, Williamson, Yater, and Mr. Speaker—86.

Mr. Larue voted in the negative.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Conner of Wabash, from the committee on the judiciary, made the following report:

MR. SPEAKER :

The committee on the judiciary, to whom was referred House bill No. 40, being a bill to amend the 5th and 6th sections of an act entitled an act to exempt property from sale in certain cases, have had the same under consideration, and have directed me to report the same back to the House, and recommend its indefinite postponement.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Conner of Wabash, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred House bill No. 277, being an act defining the amount of property that shall be omitted by executors and administrators in making out their inventories, have had the same under consideration, and have directed me to report the same back to the House and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Blake, from the judiciary committee, made the following report:

MR. SPEAKER :

The judiciary committee, to whom was referred resolution of the House in reference to mode of doing township business, inquiring into the expediency of changing the present mode, would respectfully report that a bill is now on the files concerning the question, and that another bill is not necessary.

Which report was concurred in and the resolution laid on the table.

Mr. Conner of Wabash, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred resolution No. 14, being a resolution instructing said committee to enquire into the law regulating the levy of corporation tax on the personal property of its citizens, where said property is not in the corporate limits, have had the same under consideration, and directed me to report that a bill has passed the House at the present session upon this subject. I am directed to report the same back to the House and recommend its indefinite postponement.

Which report was concurred in, and the resolution indefinitely postponed.

A message from the Governor by Mr. Osborne, his Secretary.

MR. SPEAKER :

I am directed by his Excellency, the Governor, to inform the House that he has approved and signed the following bill :

House bill No. 24. A bill to amend section 6 of an act entitled an act touching the laying out and vacating towns, streets, alleys, public squares and grounds, or any part thereof, the making out and recording of plats of such towns, and providing for the change of the names of such towns, approved May 20, 1852.

Mr. Marvin, chairman of the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills have compared House bill No. 199 with the original and find it correctly engrossed.

Mr. Todd, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have compared House engrossed bills No. 270, 242, 271, 291, 250, and 73, with the original, and find them correctly engrossed.

Mr. Marvin, from the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined bills No. 196, 277, 248, and 283, and find them correctly engrossed.

Mr. Conner of Wabash, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred resolution No. 11, being a resolution requiring said committee to enquire into the expediency of so amending the law or making a new law that will throw such protection and securities around the discharge of the duties of said officer, as will prevent any recurrence of like fraud, have had the same under consideration, and have directed me to report that bills have been reported to the House covering the objects contemplated by said resolution, as fully as the same can be done; I am, therefore, directed to report the same back, and recommend its indefinite postponement.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Lane, from the committee on education, made the following report:

MR. SPEAKER:

The committee on education having examined the laws now in force on the subject of common schools, respectfully submit the following bill as amendment to the same, and recommend its passage:

No. 330. A bill to amend an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected

therewith; and to establish township libraries, and for the regulation thereof; approved March 5, 1855.

Which was read a first time, and passed to a second reading.

Mr. Davis of Sullivan moved to reconsider the vote taken on the report of the committee on claims on the claim of Joseph W. Briggs.

Which was agreed to,

And,

On motion,

The claim was referred back to the same committee.

Mr. Herod, from the committee on roads, made the following report:

MR. SPEAKER:

The committee on roads, to whom was referred House bill No. 253, a bill to declare abandoned plank roads and McAdamized roads public highways, have had the same under consideration, and directed me to report the same without amendment and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Taggart, from the committee on roads, made the following report:

MR. SPEAKER:

The committee on roads, to whom was referred House bill No. 203, a bill to amend the second section of an act, entitled an act to amend the 24th, 31st, 33d and 37th sections of an act entitled an act to provide for the opening, vacating and change of highways, approved June 17th, 1852, approved March 3, 1855, have had the same under consideration, and have directed me to report the same back to the House, without amendment, and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Ayres, from the committee on roads, made the following report:

MR. SPEAKER:

The committee on roads, to whom was referred House bill No. 303, entitled an act authorizing the application of the property road tax on turnpike roads in certain cases, have had the same

under consideration, and directed me to report, that in their opinion, legislation on the subject would be inexpedient, and recommend the indefinite postponement of said bill.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Denby, from the committee on corporations, made the following report:

**MR. SPEAKER :**

The committee on corporations, to whom was referred House bill No. 295, a bill to amend section one of an act, entitled an act for the incorporation of manufacturing and mining companies, and for mechanical, chemical and building purposes, have had the same under consideration, have instructed me to report the same back, and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Denby, from the committee on corporations, made the following report :

**MR SPEAKER :**

The committee on corporations, to whom was referred House bill No. 290, a bill to enable the several chartered cities of this State to construct water works, have had the same under consideration, and instructed me to report it back, and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Conduitt, from the committee on benevolent and scientific institutions, made the following report :

**MR. SPEAKER :**

The committee on benevolent and scientific institutions, have directed me to report the following joint resolution, and respectfully recommend its passage :

#### JOINT RESOLUTION.

**No. 17.** Joint resolution authorizing and directing the superintendent of public instruction to furnish books for the Indiana hospital for the insane.

Which was read a first time and passed to a second reading.

Mr. Branson, from the committee on county and township business, made the following report :

**MR. SPEAKER :**

The committee on county and township business, to whom was referred House bill No. 292, a bill authorizing the destruction of papers returned by township assessors, have had the same under consideration, and have directed me to report the same back, and recommend its indefinite postponement, as its passage would be inexpedient.

On motion by Mr. Moore,  
The bill was laid on the table.

Mr. Moore, from the committee on county and township business, made the following report :

**MR. SPEAKER :**

The committee on county and township business, to whom was referred House bill No. 273, an act for the election of county assessors, and their duties thereunto prescribed, have had the same under consideration, and deeming further legislation upon the subject inexpedient, direct me to report the same back, and recommend that it be laid upon the table.

Which report was concurred in, and the bill laid on the table.

Mr. Conner of Wabash, from the committee on the judiciary, made the following report :

**MR. SPEAKER :**

The committee on the judiciary, to whom was referred House bill No. 8, a bill defining certain rights, privileges and duties of railroad companies and their officers, and allowing process to issue from any county on the line of road, have had the same under consideration, and have amended the same by striking out sections 4, 5, 6, 7, 8, 9, and 10, and have directed me to report the same back, with said amendment, and when so amended, recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Grose, from the select committee on the practice of medicine and surgery, made the following report :

**MR. SPEAKER :**

The select committee, to whom was referred the many and numerous signed petitions from various parts of the State, praying protection of the community, by legislation, against the ignorance and incompetency of practitioners of medicine and surgery, apoth-



ecaries, &c., having maturely considered the subject, beg leave to report as follows, to-wit :

1. They suppose it will be very generally conceded that no other interest relating to the present life can claim greater importance than those connected with health, whether individuals or communities are considered, and whether the happiness or the pecuniary interests of the individual or community is regarded, infirm health or distortion, or impairment of limbs, not only entails positive evil upon the individual possessor thereof, and his immediate family, as every one well knows, but diminishes his productive energies, consumes in his care those of his family and friends, and also absorbs in expenditure for medical and surgical aid, medicines, &c., much of the actual products of his own and his family's *diminished* energies ; but, in addition to all this, contributes largely to fill ou almshouses and prisons, and institutions for the deaf, dumb, blind, and the insane ; thus at once lessening the revenue of the State, which is derived from and proportioned to the actively engaged productive energies of all the individuals constituting the community, and increasing the expenditures of the State, in providing for those rendered unable to provide for themselves from this cause. These positions need no demonstration, for they are patent to all observant and reflecting minds ; but they are illustrated individual cases by our county poor houses and insane hospital. E. G. and G. H. are persons of average physical power and industry, they commenced life poor in worldly goods, a rapidly increasing family, with not more than the ordinary amount of sickness has kept them so. The spring has come ; H. has rented a farm ; has well prepared the ground and planted his corn ; while ministering to the necessities of a neighbor, of the nature of whose illness he is ignorant, and misled by an ignorant doctor, he contracts small pox and communicates it to his family of children. Being himself the first to take it, and having it in a mild form, through the influence of vaccination in early life, he does not become aware of its true nature until it shows itself in his unprotected (by vaccination) family. Their cases occurring successively require his constant care all the time, until the season for cultivating his crop is passed ; and while he has his rent to pay, he has no crop with which to pay it, or sustain his family, until another crop is made. This is no fictitious case, for it has actually occurred within thirty miles of this capitol in the past year. Again, almost every entrance to our poor houses is the result of disease, whilst our insane hospitals are the result of disease.

Equally palpable and undeniable is the proposition, that to qualify any man for performing beneficially to community, the offices of physicians, surgeons and apothecaries, the possession of much and varied knowledge, especially pertaining to these callings, is indispensably requisite. The blacksmith must serve a considerable apprenticeship before he can properly shoe a horse. The engineer

a more protracted one, before he is allowed to run a train over our railroads; and the falls and river pilots must receive license to practice their respective callings from those who are qualified to judge of their respective callings. By our statutes, no one can teach in our common schools unless he has been first examined by an officer appointed for that purpose, and received from him a certificate of qualifications; and the minimum of such qualifications is "a knowledge of orthography, reading, writing, arithmetic and English grammar," is fixed by the statutes. Nor is this minimum too much, by any means. Now let us glance at some of the branches of knowledge indispensably necessary for the practice of medicine and surgery and the apothecary's art, in such a manner as will promote the good of the community, in addition to any measure of any general classical and scientific knowledge that is attainable.

1st. Anatomy, or the number, shape, situation, structure and connection, of all parts or organs of our frame, in which is more than two hundred bones, and four hundred muscles, besides nerves, blood vessels, glands, &c., almost innumerable. and of all these in both healthy and diseased states.

2d. Physiology, or the healthy action of all this multitude of organs, not only singly, but combined as they are in the living body.

3d. Pathology, or the diseased action of all these organs in the same relation.

4th. Chemistry and Pharmacy, or the immense number of articles used as remedies, derived from the animal, vegetable and mineral kingdoms. Their physical, medicinal and toxicological properties, mode of preparation, use. &c.

5th. Practical medicine, including the detection of diseased structure and functions, from the plainest to the most hidden and intricate, and the practical application of the principles and facts, furnished by knowledge of other branches.

6th. Surgical anatomy, and the principles and practice of operative surgery.

7th. The diseases peculiar to women and children, with the best means for their relief.

All this, and much more knowledge must be familiar to the practitioner of the healing art, to prevent him from often doing more harm than good; and the wisest is often perplexed, and not unfrequently defeated in his most diligent and faithful efforts to discover and correct disordered action in the human frame, so "fearfully and wonderfully made." Whilst the apothecary should be perfectly familiar with chemistry, *Materia Medica* and pharmacy, in order to avoid mistakes in putting up medicines, which may be, and frequently are, fatal to the most valuable lives.

If the masses are incompetent, as is confessed by the statute, to judge of the qualifications of the candidate for common school teacher, who is to instruct their children in spelling, reading, writ-

ing and arithmetic, how much more incompetent must they be to judge of the qualifications of the candidate for the practice of a profession requiring vastly more extended and varied attainments. Go through the country and inquire of every family that has been cursed with incompetent medical men, and you will find that most of them have spent years in ascertaining the fact, ultimately learned in the hard school of experience, of the ignorance of pretended doctors, who really knew little if any more about the science of medicine than themselves. Add to this fact the numerous arts resorted to by these ignorant pretenders, to conceal their ignorance and to make a show of extensive learning, and it will not excite wonder that it so often occurs, that the most grossly ignorant have the reputation of great profundity.

Many persons do engage in the practice of medicine and surgery, and of the apothecary art, who are wofully ignorant of most or all of those branches of science, a knowledge of which has been shown essential to a beneficial pursuit of the profession. This is the uniform testimony of medical men throughout the State without a solitary exception, and also of most non-professional men of general intelligence.

From the foregoing premises, which we briefly recapitulate, to-wit: 1st, The vast importance of competency in medical men to the community. 2d, The extensive range of knowledge requisite to make them competent. 3d, The impossibility of the masses estimating correctly the qualifications of candidates for practice. And 4th, The fact that many incompetent men do, to the great injury of the people and the State, practice these professions. Your committee are forced to the conclusion that it is not merely expedient, but obligatory under our constitution, to provide for the safety and well being of the people, in their limbs, their health, and their lives, against the ignorance of pretended physicians, surgeons and apothecaries, by legislation. What that legislation should be, has appeared to your committee a question of much more difficulty. And while they cannot declare so positively on this point as the other, they nevertheless, have strong confidence that good will result from the following enactments, which they recommend, to-wit:

1st, That all persons hereafter engaging in the practice of medicine, should first procure a certificate of qualification from the Board of Medical Examiners in this act provided.

Your committee, in consideration of the above submitted reasons, have reported the accompanying bill, and recommend its passage.

On motion by Mr. Grose,

The report was laid on the table, and 1000 copies ordered to be printed.

No. 331. A bill for the protection of the people against the in-

competency and recklessness on the part of practitioners of medicine and surgery, and of the apothecaries.

Which was read a first time and passed to a second reading.

Mr. Grose, from a select committee, made the following report:

**MR. SPEAKER:**

The select committee, to whom was referred House bill No. 286. An act dividing the State into judicial districts, for the purpose of electing judges for the court of common pleas, and fixing the time of holding the courts thereof, have had the same under consideration, and report the same back without amendments, and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Lane, from a select committee, made the following report:

**MR. SPEAKER:**

The committee to whom was referred that part of the Governor's message on the subject of colonization and the African slave trade, respectfully report: That the general obligation of the United States and of the several States to use their moral influence and political power to prevent this trade in men on the African coast, has been practically acknowledged in the uniform tone of the legislation of the country on this subject, and cannot at this late day, be well doubted. This duty was further made a matter of special compact, by an article in the treaty with Great Britain, pledging the faith of this country to use "our best endeavors to promote the desirable object of the entire abolition of the slave trade," and still further by the 8th article of the Webster and Ashburton treaty, stipulating with Great Britain "that our government should employ, upon the African coast, a naval force of 80 guns." From the language of the treaty last mentioned, no doubt can be entertained that it was the belief of the negotiators, that this stipulated force of American cruisers on the African coast, acting in conjunction with the British squadron of 300 guns on the same service, and a moderate force, which the French government is bound by treaty to maintain in those seas, would effect "the final suppression of the slave trade in that quarter of the world," but recent investigations in the British Parliament, and in the Congress of the United States, have thrown before the public a mass of evidence which seems to your committee to justify the conclusion that nothing short of an actual blockade of the whole line of coast can present a sufficient barrier to the successful cupidity of the slave trader.

In spite of the force maintained in those seas by the three governments, at an annual expense of some *seven millions of dollars*, the trade is still carried on with comparatively little risk, and is governed in amount mainly by the demand in the slave market of Cuba and Brazil. From this general statement we must exempt the hundred miles of coast embraced within the limits of the Liberian colonies. Throughout the Republic of Liberia, this traffic in the bodies and souls of men, may be regarded as totally and finally extinct. To what extent this gratifying result may be due to the presence on the coast of the squadron of the three powers, it is difficult to estimate; but for the purpose of this report it is unnecessary to conjecture. The great fact which stands out as the result of past experience, and which ought to shape the future operations of civilized nations, and especially our own country in this behalf, is, that the exertion of the colonial system, and the interposition thereby of a chain of free christian communities between the slaver and his prey, is essential to the efficiency of a naval force in the consummation of its avowed purpose, so devotedly to be wished, namely: the entire and final suppression of the slave trade. If your committee are correct in these views, it would seem to follow that the object of the three powers would be best subserved by allowing the government of the United States to withdraw that portion of its squadron of observation which may not be required for the protection of our commerce in those seas, and to bestow its services in the common cause on the direct colonization of the African coast, within and beyond the present limits of Liberia, by transporting in regular steam packets free of cost, such of our free colored population as may desire to escape from the oppressive disabilities of cast in this country to the enjoyment of personal independence, and elevated social position in the ancient and proper home of their race.

This change in the mode of our operations would enable us, without enlarging our present expenditures in this service, to band the coast of Africa with a cordon of settlements, interested to prevent the traffic, and ready to co-operate with the English and French squadrons, in the certain and speedy extinction of the evil, and to that we may add the substantial benefit which this system of national policy would offer to our free colored population, the relief which it would bring to some of the admitted political and social disease of the country, the extension of our commerce and our civilization to the interior of the African continent, and the general elevation of a much injured race.

In consideration of these things, your committee have taken up the joint resolution of our General Assembly of 1852, which admirably states this case, and with a slight addition to meet the wants of the times, recommend its passage.

Your committee further report, that in our judgment, the benevolence of our State should not be manifested in word only, but we should aid substantially and directly in this work of African



colonization, by continuing the regular annual appropriation, and instruct the State Board to press with vigor the work already begun. We therefore, further respectfully recommend the adoption of resolution No. 2, instructing the committee on ways and means to report in favor of the usual annual appropriation of \$5,000, for colonization purposes. Respectfully submitted.

By Mr. Lane,

No. 18. A joint resolution on the subject of the African slave trade, and for the purpose of African colonization.

Which was read a first time, and passed to a second reading.

Mr. Lane moved to lay the report on the table and 500 copies ordered printed.

Which was not agreed to.

On motion by Mr. Davis of Sullivan,

House bill No. 282. A bill to amend section 48 of the general banking law of Indiana, and to declare the meaning of said section.

Was taken up and read a third time.

By unanimous consent,

On motion by Mr. Davis of Sullivan,

The bill was amended as follows:

*And provided further,* That no interest arising from any bonds now on deposit with the Auditor, shall be paid over to such banking association, until such banks shall have complied fully with the amended law.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crowe, Cullen, Davis of Sullivan, Dobbins, Douglass, Duncan, Early, Evans, Gordon, Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Hutchings, Jefferis, Landiss, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moon, McDaniel, McDonald of Lake, McGinnis, McKinney, Neal, Neff, Price, Reese, Reyman, Robbins, Schermerhorn, Sherrod, Shuman, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Taggart, Trippet, Van Sandt, Wallace, Ward, Whitcomb, Wiley, Williams of Lagrange, Williamson, Wright, and Yater—79.



*Those who voted in the negative were,*

Messrs. Humphreys, Moore, Studabaker, and Mr. Speaker—4.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

The hour having arrived the House proceeded to the consideration of the

**SPECIAL ORDER OF THE DAY.**

House bill No. 66. A bill for the investment and safe keeping of the school fund arising from the 114th section of an act establishing a State bank, approved January 28, 1834.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Allen, Austin, Ayres, Ballenger, Bowman, Brown, Bryan, Carnahan, Clapp, Clark, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Dobbins, Douglass, Duncan, Early, Edson, Evans, Gordon, Harrison, Hayden, Herod, Hoagland, Humphreys, Hutchings, Jefferis, Landiss, Lane, Lewis, Massey, Mercer, Merrield, Modesitt, Moon, Moore, McDaniel, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neal, Neff, Price, Reyman, Robbins, Sherrod, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Stillwell, Studabaker, Taggart, Tippet, Van Sandt, Wallace, Walpole, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Yater, and Mr. Speaker—75.

*Those who voted in the negative were,*

Messrs. Abel, Bethell, Blake, Grose, Hawkins, Larue, Marvin, Reese, Schermerhorn, Smith of Delaware, Steele, Stone, and Todd—12.

So the bill passed.

By unanimous consent,

On motion by Mr. Studabaker,

The title was amended by adding the following :

And for the election of sinking fund commissioners, and prescribing their duties.

*Ordered,* That the Clerk inform the Senate thereof.

On motion by Mr. Merrifield,  
Leave of absence was granted to Mr. Crawford.

Mr. Lane, from a select committee, made the following report :

MR. SPEAKER :

The select committee, to whom was referred the petition of Warren Tebbs and others, in relation to the construction of a bridge over the White Water river, where the same is used as a part of the White Water canal, near Harrison, have had the same under consideration, and after a full examination of the law of the State of Ohio, and the terms on which the State of Indiana was permitted to construct the White Water canal through that part of the State of Ohio, we are of opinion that this State is bound to rebuild the bridge referred to. But in view of the fact that the State is only required to contribute one third of the amount necessary to construct said bridge, your committee do not see how the State can consistently refuse the appropriation recommended, and herewith submit the accompanying resolution, and recommend its adoption.

WHEREAS, In the construction of the White Water canal, it was necessary to pass through a part of the State of Ohio,  
AND WHEREAS, The State of Ohio granted to the State of Indiana the right to construct said canal on certain conditions, one of which reads as follows : Section five of "an act to permit and authorize the State of Indiana to construct a part of the White Water canal within the territory of Ohio." "That whenever, in the construction of said part of said canal, it shall be necessary to cross any established road or way, it shall be the duty of the State of Indiana so to construct the said canal, as not to impede the passage or transportation of persons and property along the same, and shall construct good and substantial bridges over said part of said canal for said roads, and shall keep the same in repair, and reconstruct the same whenever necessary :"  
AND WHEREAS, The bridge constructed across the White Water river, just above the feeder dam, and that part of said river used as the canal, has been destroyed and washed away ;  
AND WHEREAS, The White Water valley canal company have failed to rebuild said bridge, and are unable to comply with their pledge to the State to keep up the bridges on the canal :  
THEREFORE, In compliance with the plighted faith of the State with the State of Ohio, be it

*Resolved*, That the committee on ways and means be and they are hereby instructed to provide in the specific appropriation bill an appropriation of the sum of six thousand dollars for the construction of the bridge aforesaid across the White Water river, just above or near the feeder dam, near Harrison, on the State line between Ohio and Indiana. Said fund to be deposited with

the treasurer of Dearborn county, and applied upon the order of the board of commissioners of the county of Dearborn. But no part of said appropriation shall be applied until the county of Dearborn in Indiana, and Hamilton county, Ohio, shall appropriate and agree to pay each a like sum for such purpose.

Mr. Ayres moved to refer the report and resolution to the committee on the judiciary.

It was not agreed to.

The question being on the adoption of the resolution.

It was not agreed to.

Mr. Blake, from a select committee, made the following report :

**MR. SPEAKER :**

The special committee, to whom was referred House bill No. 162, a bill for the creation of townships, election of trustees, duties of trustees and mode of assessing township tax, and doing township business, with special instructions, have made the following amendments, as desired by the House, and have also struck out of the seventh section, the following words beginning at ninth line : "And shall require from each supervisor in his township within one month of his election, an approved bond for the faithful performance of his duties, with good security," and as so amended recommend its passage.

Mr. Lane moved to recommit the bill, with the following instructions :

"To authorize the election of one or three trustees as the voters of the township may decide, and in the event of their adopting three, one of said number shall be president, one clerk and one treasurer.

Mr. Austin moved to indefinitely postpone the bill and amendments.

The ayes and noes were demanded by Messrs. Austin and Lane.

*Those who voted in the affirmative were,*

Messrs. Adams, Austin, Batterton, Clapp, Clark, Connel of Wabash, Duncan, Gordon, Lane, Lewis, Massey, Marvin, Mercer, Modesitt, Moon, Sloss, Studabaker, Van Sandt, Ward, and Williams of Lagrange—22.

*Those who voted in the negative were,*

Messrs. Abel, Allen, Ayres, Ballanger, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Colgrove

Conner of Hamilton, Conduitt, Crowe, Davis of Hendricks, Davis of Sullivan, Dobbins, Douglass, Early, Edson, Evans, Harrison, Hawkins, Hayden, Herod, Humphreys, Hutchings, Jefferis, Kerr, Landiss, Larue, Moore, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neal, Neff, Reese, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Smith of Bartholomew, Steele, Stone, Taggart, Todd, Trippet, Vawter, Wallace, Whitcomb, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker—62.

So the bill and amendments were indefinitely postponed.

Mr. Robbins moved a call of the previous question.

Which motion was seconded by the House.

On motion by Mr. Boyd,  
The House adjourned.

1½ O'CLOCK, P. M.

The House met.

Pending question being, shall the main question be put?  
It was agreed to.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Ayres, Bethell, Blake, Boyd, Branson, Brown, Carnahan, Claypool, Colgrove, Conner of Hamilton, Conduitt, Cullen, Crowe, Davis of Sullivan, Denby, Dobbins, Douglass, Early, Edson, Evans, Harrison, Hawkins, Hayden, Herod, Humphreys, Kerr, Landiss, Larue, Moore, McFarland, McGinnis, McKinney, Neff, Reese, Reyman, Robbins, Sherrod, Shoulders, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Taggart, Todd, Trippet, Walpole, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker—53.

*Those who voted in the negative were,*

Messrs. Austin, Ballenger, Branham, Clapp, Clark, Conner of Wabash, Davis of Hendricks, Duncan, Hutchings, Jefferis, Lane, Lewis, Massey, Marvin, Merrifield, Modesitt, Moon, McDonald of Lake, Neal, Price, Shuman, Sloss, Studabaker, Van Sandt, Vawter, Wagner, Wallace, Ward, Whitcomb, and Williams of Lagrange—30.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Marvin, from a select committee, made the following report :

MR. SPEAKER :

The select committee, to whom was referred House bill No. 221. A bill to reduce the width of the Michigan road, lying between Indianapolis and Logansport, from one hundred feet to sixty feet in width, with instructions, have authorized me to report the same back without amendment, and recommend its passage.

Which report was concurred in.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Allen, Ayres, Ballenger, Bethell, Blake, Boyd, Branham, Bryan, Brown, Carnahan, Clark, Crowe, Claypool, Colgrove, Conner of Hamilton, Conduitt, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Duncan, Evans, Hayden, Herod, Hutchings, Jefferis, Kerr, Landiss, Lane, Lewis, Massey, Moore, McDonald of Lake, McKinney, Neff, Price, Reese, Reyman, Robbins, Sherod, Shoulders, Slicer, Sloss, Steele, Stillwell, Stone, Todd, Trippet, Van Sandt, Vawter, Wallace, Whitcomb, Wiley, and Williamson—55.

*Those who voted in the negative were,*

Messrs. Abel, Austin, Branson, Clapp, Cullen, Douglass, Early, Edson, Humphreys, Neal, Shuman, Smith of Delaware, Studabaker, Taggart, Walpole, Ward, Yater, and Mr. Speaker—18.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Lane, from a select committee, made the following report:

**MR. SPEAKER :**

The select committee, to whom was referred House bill No. 103. A bill requiring the clerks of the circuit courts to keep a public record of moneys paid into their offices, and specifying the duties of former clerks in relation to moneys now in their hands, belonging to said office, with certain instructions have had the same under consideration, and have made the amendments directed, and report the same back to the House and recommend its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Boyd, Clapp, Colgrove, Cullen, Douglass, Duncan, Hayden, Herod, Kerr, Landiss, Lane, Lewis, Massey, Marvin, Modesitt, Moore, McDonald of Lake, Neff, Price, Sloss, Todd, Van Sandt, Vawter, and Ward—25.

*Those who voted in the negative were,*

Messrs. Allen, Austin, Bethell, Blake, Bowman, Branson, Brown, Bryan, Carnahan, Clark, Conner of Hamilton, Conner of Wabash, Conduitt, Crowe, Davis of Hendricks, Denby, Dobbins, Early, Edson, Evans, Harrison, Hawkins, Hoagland, Humphreys, Jefferis, Larue, Merrifield, Moon, McGinnis, McKinney, Neal, Reese, Reymann, Robbins, Schermerhorn, Shoulders, Shuman, Slicer, Smith of Bartholomew, Smith of Delaware, Studabaker, Taggart, Trippet, Wallace, Walpole, Whitcomb, Wiley, Williamson, Yater, and Mr. Speaker—50.

So the bill did not pass.

Mr. Kerr, from the committee on the judiciary, made the following report :

**MR. SPEAKER :**

The committee on the judiciary, to whom was referred House bill No. 274, a bill to amend section 402 of article 21 of an act entitled an act to revise, simplify, and abridge the rules, practice, pleadings, and forms, in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity, have had the same under consideration, and direct me to report the same back to this



House and recommend its indefinite postponement, it being deemed entirely inexpedient to legislate further upon the subject of said bill.

Which report was concurred in and the bill indefinitely postponed.

Mr. Kerr, from the committee on the judiciary made the following report :

**MR. SPEAKER :**

The committee on the judiciary, to whom was referred the resolution of the House requiring an inquiry into the expediency of repaying to borrowers of the sinking fund, whose mortgaged property has been or shall hereafter be forfeited to the State by reason of their failure to pay the sums by them respectively borrowed, and has been sold by the State for a larger sum than was sufficient to pay said loan, with interest and damages any such excess or over plus ; have had the same under consideration, and direct me to report the same back to this House and recommend its indefinite postponement, a bill having already passed this House, containing the very provision contemplated in said resolution.

Which report was concurred in.

Mr. Kerr, from the committee on the judiciary, made the following report :

**MR. SPEAKER :**

The judiciary committee, to whom was referred House bill No. 247, entitled a bill supplemental to an act entitled an act concerning county prisons, approved May 27, 1852, and to authorize the establishment of work houses, and the confinement of certain persons therein at labor, have had the same under consideration, and directed me to report the same back to this House, and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Walpole, chairman of the committee on the judiciary, made the following report :

**MR. SPEAKER :**

The committee on the judiciary, to whom was referred the resolution of the House, requiring an examination into the constitutional power of the General Assembly to repeal the charter of the Bank of the State of Indiana, have had the same under considera-

tion, and beg leave respectfully to submit the following conclusion, together with the reasons therefor.

The committee do not conceive that the resolution imposes upon them the duty of making any inquiry into the circumstances or influences or motives, which may have attended or been instrumental in procuring the enactment of the charter, as mere matters of fact, but simply to institute a legal inquiry based upon the Journals of the General Assembly, the law of the land, and the charter itself. To the latter object they have therefore wholly confined their investigation.

First then, had the General Assembly the constitutional power, at its last session, to enact any law creating a bank with branches? The 4th section of the 11th article of the constitution, expressly empowers the General Assembly, "to charter a bank with branches, without collateral security." But at the time our present constitution was adopted, and thereafter, until the first day of January, 1857, the State Bank of Indiana had an active existence, and its rights, privileges, and franchises could not be impaired. It is therefore insisted by some, that the power of the General Assembly, to exercise the express authority to charter a bank with branches was in abeyance, as it were, awaiting the expiration of the charter of the old State Bank, and that the creation of a bank with branches at any earlier time was without authority and void.

There could be no barrier in the way of the exercise of such a power, unless some rights previously vested should be disturbed thereby, so as to impair the obligation of a contract. No rights secured to the old bank were in any degree impaired by the new charter. Even if the charter of the old bank had conferred exclusive privileges upon that bank, yet the right to those exclusive privileges might be waived by the injured party, and could only be inquired into upon the complaint of such party. And if such complaint were made, the remedy would not be to declare the new charter void, but simply to restrain its operation so long as it came in conflict with the rights alleged to be injured. But the old State bank was not vested with, and never claimed any such exclusive privileges and rights. Exclusive privileges can only be granted by express words or necessary implication, and all such alleged grant must be strictly construed. The constitution of 1816 only prohibited the establishment of banks with power to *issue paper*. Consequently during the existence of that constitution, many institutions such as insurance companies and others, were created with power to *discount* and *receive deposits*. These were all the powers given to the new bank until after January 1, 1857, and it does not appear that it attempted to exercise even these powers until after that date. It was never supposed that the granting of those powers interfered in any way with the privileges of the State Bank. But the State Bank had no such exclusive rights granted by its charter, either in express words or by any reasonable impli-

eration. The only reason why another bank could not be established previous to 1851, was because the constitution of 1816 so provided.

After the new constitution was adopted, the power of the Legislature to establish other banks of issue was not denied, and many banks were therefore created under the free banking law. All these would have been unconstitutional, if the old bank had such exclusive privileges. The argument would be much stronger in their case than in the case of the new State Bank, because of the power of the latter to issue paper did not commence until that of the old bank had expired.

The obvious purpose of the law of 1855, was to permit and regulate the organization of a bank which should be ready to take the place of the one going out of existence. The Legislature had a clear constitutional right to anticipate by a few years, the necessity for such a law, and to provide, thus in advance of the expiration of the charter of the old bank, for the organization of a bank with branches.

The committee conclude, therefore, that the General Assembly had the constitutional power to enact such a law, and that without some other cause the same is valid.

The second question affecting the subject of our inquiry is this: Was that charter enacted in the manner prescribed by the constitution? Was it subjected on its passage to the successive readings required in the enactment of any law? It is alleged that it was not, and is therefore void.

The 18th section of the 4th article of our constitution, requires that "every bill shall be read by sections, on three several days, in each house; unless, in case of emergency, two-thirds of the house where such bill may be depending, shall, by a vote of yeas and nays, deem it expedient to dispense with this rule; but the reading of a bill by sections, on its final passage, shall, in no case, be dispensed with; and the vote on the passage of every bill or joint resolution shall be taken by yeas and nays." The provisions of the constitution of 1816 were substantially the same upon this subject. It was never the practice in our legislation, under that constitution, to consider every bill after any material amendment thereto, as a *new bill*, requiring to be again read a first time, as when it was first introduced. This has never been the practice in a single legislative assembly in America or in England, from whence we obtain our parliamentary law.

The journals of the Senate and House show the following to be the history of the passage of the charter. It was introduced into the Senate, read a first time, the rules suspended, and then read a second time by its title, and then referred to the committee on banks. The committee afterwards reported the bill back to the Senate with sundry amendments, which were concurred in by the Senate in the usual manner. The bill was then passed and sent to the House. It was there subjected to a first and second

reading in like manner, and then referred to the House committee on banks, who afterwards reported the same back with further amendments, a part of which were concurred in in the usual manner, and the bill was passed and returned to the Senate. The Senate concurred in the House amendments also in the usual manner. It was then sent to the Governor for his approval, and was returned by him to the Senate, without his approval, and passed by a constitutional majority over his veto, and was then sent to the House again, and there passed by a like majority over the veto, and thus became a law. Does this history disclose any defect or omission in the manner of its passage? All the ordinary and established rules of parliamentary law were observed. It underwent the very same legislative process that has attended the enactment of nearly every law on our statutes, either by past legislatures or by the present one. It is urged, however, that whenever any amendment was made to the bill, it became a *new bill*, under the operation of our constitution, and should have been put again upon its first reading, and so on throughout its entire progress. If this position is well taken, then we have indeed no valid laws in Indiana, for almost every law, during its progress through the two Houses, received more or less amendments. We should hesitate long before we adopt any such revolutionary theory as this. This opinion seems to be based upon the mistaken impression that the *bill* is the *act* or *law* which it subsequently becomes, and that the act or law must therefore be identical in every particular with the bill. But the *bill* can only be considered as the *framework*, the formal expression of the *purpose* which is intended, when perfected during its passage through the two Houses to become an *act* or *law*. The several readings and references to which the bill is subjected, seem to be almost wholly designed to perfect the rough draft which is first presented in the form of a bill. If each successive amendment, however trifling and unimportant it may be, renders it necessary for us to go back and begin *de novo*, then legislation would be reduced to an interminable jargon. The committee cannot hesitate to conclude, then, that so far as the journals afford a history of the manner of the enactment of the charter, nothing appears that can in any degree render it invalid or unconstitutional.

The third and last inquiry is, have the legislature, upon general principles, the power to repeal the charter?

It is said that power exists because certain sections and provisions of the charter are unconstitutional. But that, if true, would not require the entire act to be declared invalid. It is the policy of our constitution, and the uniform course of decision of our supreme court, that laws which are unconstitutional and void in part only, shall only be so far declared void and inoperative. So much, then, of this charter as is constitutional would remain in full force, and the proper recourse for relief against the other

portions, if any, would be to the courts, whose duty it is to expound the law.

But we hold it to be an incontrovertible proposition, that this charter, when its terms and conditions are accepted and complied with by the corporators, becomes a valid and binding contract between the corporation and the State. The State has thereafter no constitutional power to impair the obligation of such contract. It is not denied that the corporators have fully accepted the terms of the charter and complied with its conditions, and fully organized the bank.

The charter confers rights and privileges upon the faith of which this acceptance was made. It imposes obligations and duties on their part, which they are not at liberty to disregard, and it implies a solemn assurance on the part of the State, that the rights and privileges conferred in the charter shall not be withdrawn or impaired. The obligations are reciprocal, and are founded in a valuable consideration. It is clearly settled by numerous adjudicated cases, that the fact whether the corporators take for their own private benefit, or for the use of other persons, can in no way affect the nature of the contract. In either case, the corporate franchises may be considered legal estates. The charters are in every material respect, contracts and grant rights, powers and franchises which may be asserted in courts of justice.

The law upon this important subject must now be considered well settled, by a long continued and uniform course of decisions by all the highest courts in the country. These principles have been frequently held to apply with as much force to acts for the creation of banking corporations, as to corporations created for any other purpose. In the case of the Commonwealth against the Farmers' and Mechanics' Bank, 21 Pick. 542, the court say, "that an act for the incorporation of the bank was to be construed to be a contract between the government on the one side, and those who accept and become a corporation and their successors, on the other, and cannot be revoked or annulled by any after act of legislation, unless an express power had been reserved for that purpose, or with the consent of the corporation. It was clearly a stipulation on the part of the government, that the corporation, for the term limited in the act, unless sooner forfeited for some cause recognized by existing laws as a case of forfeiture, that their constitution, organization and mode of action, as prescribed by their charter, should not be annulled or changed by the legislature; that members should not be added or removed, that modes of election, expulsion, and suspension of members, should not be altered; that whatever belonged to their organic constitution and action, as bodies politic, should continue and be determined by the terms of the charter, and powers specially granted to them were not to be withdrawn or diminished. The committee conceive this case to be directly in point, and alone sufficient to determine the



question of our power to impair or alter in any manner, the charter of the Bank of the State of Indiana.

But we may recur to the opinion of one of the most distinguished constitutional lawyers and judges that our country has ever produced, Justice Story, who states the law as follows, in his commentaries on the constitution, § 1355: "What may properly be deemed impairing the obligation of contracts, in the sense of the constitution? It is perfectly clear, that any law which enlarges, abridges, or in any manner changes the intention of the parties, resulting from the stipulations in the contract, necessarily impairs it. The manner or degree in which this change is effected, can in no respect influence the conclusion; for whether the law affect the validity, the construction, the duration, the discharge, or the evidence of the contract, it impairs its obligation, though it may not do so to the same extent in all supposed cases. Any deviation from its terms by postponing, or accelerating the period of performance, which it prescribes; imposing conditions not expressed in the contract; or dispensing with the performance of those which are a part of the contract, however minute or immaterial in their effect upon it, impairs its obligation. *A fortiori*, a law which makes the contract wholly invalid, or extinguishes, or releases it, is a law impairing it." And again, the same author says: "A grant is a contract within the meaning of the constitution. It may be laid down as a general principle, that, whenever a law is, in its own nature, a contract, and absolute rights have vested under it, a repeal of that law cannot divert those rights, or annihilate or impair the title so acquired. A grant amounts to an extinguishment of the right of the grantor, and implies a contract not to re-assert it until the right shall have expired by its own limitation in the grant."

These principles have been frequently affirmed in cases more or less directly in point, by the decisions of our own Supreme Court.

The committee have thus arrived at the conclusion, that so far as anything appears from the journals of the General Assembly in reference to the manner of the enactment of the charter, or from the period when the same was enacted, or from the general principles of law applying to this case, that the legislature possesses no constitutional power to repeal, or in any degree to alter or amend the charter, without the consent of the corporation, and that, if the charter is invalid or unconstitutional for causes or considerations arising from other sources than those indicated above, the proper remedy is by an application to the courts.

The committee would further state, that they invited the Attorney General to appear before them, and discuss the question herein examined, and that he fully concurred in the conclusions and views which the committee now have the honor to submit to the House.

The committee also summoned Hugh McCulloch, Esq., the president of the bank, to appear before them, and examined him under



oath, and his testimony established the fact, that the corporators had fully accepted the terms, and complied with the conditions of the charter on their part.

The committee beg to be discharged from the further consideration of this subject.

THOS. D. WALPOLE, <i>Chair'n</i> ,	} <i>Com'tee.</i>
M. C. KERR,	
S. COLGROVE,	
SOLOMON CLAYPOOL,	
JOHN W. BLAKE,	
CHARLES DENBY,	
A. H. CONNER,	
J. D. CONNER, of Wabash,	

The question being, shall the committee be discharged.  
It was agreed to.

Mr. Bethell moved to lay the report on the table, and one thousand copies to be printed.

On motion by Mr. Lane,  
A division of the question was called for.  
The question being on the first proposition,  
Shall the report be laid on the table.  
It was agreed to.

The question then being on the second proposition.  
Shall one thousand copies be printed.

The ayes and noes were demanded by Messrs. Lane and Moore,

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Ayres, Austin, Ballenger, Bethell, Blake, Bowman, Boyd, Branham, Brown, Bryan, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crowe, Cullen, Denby, Douglass, Early, Evans, Harrison, Hawkins, Hayden, Hoagland, Humphreys, Hutchings, Jefferis, Kerr, Landiss, Lewis, Massey, Marvin, Merrifield, Modesitt, Moon, McDonald of Fountain, McDonald of Lake, Neal, Price, Reese, Reyman, Schermerhorn, Sherrod, Shuman, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Stone, Taggart, Todd, Van Sandt, Vawter, Wallace, Walpole, Ward, Whitcomb, Williams of Knox, Williams of Lagrange, Williamson, Yater, and Mr Speaker—66.

*Those who voted in the negative were,*

Messrs. Branson, Carnahan, Clapp, Clark, Davis of Hendricks, Davis of Sullivan, Duncan, Edson, Herod, Lane, Moore, McKinney, Robbins, Shoulders, Slicer, Trippet, and Wiley—17.

So it was agreed to.

By unanimous consent,  
Mr. Neal offered the following resolution :

*Resolved*, That the judiciary committee be requested to enquire into the expediency of so amending the present law regulating the relation of husband and wife, that the personal property of the wife, which she may have in her own right at the time of marriage, or any that may afterwards be given to her, or that she may in any way fall heir to, be better secured to her, so that not more than one half of said property can be taken by the husband, or any other person for the payment of said husband's debts, and report by bill or otherwise.

Which was agreed to.

On motion by Mr. Sherrod,

The rules were suspended, and House bill No. 326, a bill to raise a revenue for State purposes for the years 1857 and 1858,  
Was taken up.

Mr. Davis of Sullivan moved to amend by inserting fifteen cents in the blank.

It was agreed to.

On motion by Mr. Humphreys,

The bill was considered as engrossed.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Austin, Ayres, Ballenger, Bethell, Blake, Bowman, Boyd, Branson, Brown, Bryan, Carman, Clapp, Clark Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Evans, Harrison, Hayden, Herod, Hoagland, Humphreys, Hutchings, Jefferis, Kerr, Landiss, Lane, Lewis, Massey, Marvin, Merrifield, Modesitt, Moon, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neal, Reese, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Stone, Studabaker, Taggart, Trippet, Van Sandt, Vawter, Walpole, Ward, Whitcomb, Wiley, Williams of Lagrange, Williamson, Yater, and Mr. Speaker.—77.

*Those who voted in the negative were,*

Messrs. Larue, Moore, Price, and Shuman—4.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

## BILLS INTRODUCED.

By Mr. Conner of Hamilton,

No. 332. A bill to amend section 2 of an act entitled an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the conditions of said grant, approved May 29, 1852, so as to make the bonds required of the county treasurers to correspond in amount with the amount of swamp lands in their respective counties; and directing the issue of deeds for swamp lands heretofore sold in counties where the treasurer has refused or neglected to give or file the bond now required by law.

Which was read a first time, and passed to a second reading.

On motion by Mr. Humphreys,

Senate bill No. 1. A bill to apportion Senators and Representatives for the next four years.

Was taken up.

On motion by Mr. Humphreys,

The bill was amended by striking out all after the enacting clause and inserting the following:

That for the purpose of electing Senators to the General Assembly of said State, the same shall be and is hereby divided into fifty districts, and that each district be entitled to one Senator, as follows, to-wit:

The counties of Posey and Vanderburg, one; Warrick, Spencer and Perry, one; Floyd, one; Washington and Harrison, one; Clark and Scott, one; Jefferson, one; Ohio and Switzerland, one; Gibson, Pike and Dubois, one; Knox and Daviess, one; Martin and Lawrence, one; Monroe and Brown, one; Green and Owen, one; Vigo and Sullivan, one; Clay and Putnam, one; Parke and Vermillion, one; Johnson and Morgan, one; Jennings and Jackson, one; Bartholomew, one; Ripley, one; Decatur, one; Dearborn, one; Franklin, one; Fayette and Union, one; Rush, one; Wayne, one; Henry, one; Shelby, one; Hancock and Madison, one; Marion, one; Hendricks and Boone, one; Montgomery, one; Fountain, one; Tippecanoe, one; Warren, Benton, White and Jasper, one; Clinton and Carroll, one; Cass and Pulaski, one; Hamilton and Tipton, one; Grant and Howard, one; Randolph, one; Delaware and Blackford, one; Adams, Wells, and Jay, one; Whitley and Huntington, one; Miami and Fulton, one; Allen, one; Wabash and Kosciusko, one; Noble, DeKalb and Steuben, one; agrange and Elkhart, one; St. Joseph, Marshal and Starke, one; Laporte, and Lake Porter, one.

Sec. 2. That the House of Representatives shall be composed of one hundred members, which shall be and are hereby apportioned among the several counties of said State, as follows, to-wit:

Posey county shall be entitled to and elect one; Vanderburg, one; and Posey and Vanderburg, one, jointly; Warrick, one; Spencer, one; Perry, one; Crawford, one; Orange, one; Floyd, one; Harrison, one; Washington, one; and Harrison and Washington, one jointly; Clark, two; Scott, one; Jefferson, one; Ohio and Switzerland, one jointly; Gibson, one; Pike, one; Dubois, one; Knox, one; Daviess, one; Martin, one; Lawrence, one; Monroe, one; Brown, one; Green, one; Owen, two; Vigo, one; Sullivan, one; Clay, one; Putnam, two; Parke, one; Vermillion, one; Johnson, one; Morgan, one; and Johnson and Morgan, one jointly; Jennings, one; Jackson, one; Bartholomew, one; Ripley, one; Decatur, one; Dearborn, two; Franklin, two; Fayette, one; Union, one; Rush, one; Wayne, three; Henry, one; Shelby, one; Hancock, one; Madison, one; Marion, two; Hendricks, one; Boone, one; and Hendricks and Boone, one jointly; Montgomery, one; Fountain, one; Tippecanoe, two; Warren and Benton, one jointly; White and Jasper, one jointly; Clinton, one; Cass, one; Carroll, one; Pulaski, one; Hamilton, one; Tipton, one; Grant, one; Howard, one; Randolph, one; Delaware and Blackford, one jointly; Adams, one; Wells, one; Jay, one; Whitley and Huntington, one jointly; Miami, one; Fulton, one; Allen, one; Wabash, two; Kosciusco, one; Noble, one; DeKalb, one; Steuben, one; Lagrange, one; Elkhart, one; St. Joseph, one; Marshal and Stark, one jointly; Laporte, two; Lake, one; and Porter, one

The bill was read a third time,

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Ayres, Ballenger, Bethell, Blake, Bowman, Boyd, Branson, Brown, Carnahan, Clark, Claypool, Conduitt, Crowe, Cullen, Davis of Sullivan, Denby, Douglass, Duncan, Early, Edson, Harrison, Hayden, Herod, Humphreys, Kerr, Landiss, Lane, Larnoe, Lewis, Massey, Marvin, Modesitt, Moore, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Reese, Reymann, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Stillwell, Studabaker, Taggart, Trippet, Wagner, Wallace, Walpole, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker—58.

*Those who voted in the negative were,*

Messrs. Allen, Austin, Branham, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Davis of Hendricks, Evans, Haw-

kins, Hoagland, Hutchings, Merrifield, Moon, Neal, Price, Sloss, Smith of Delaware, Steele, Stone, Todd, VanSandt, Vawter, Whitcomb, and Williams of Lagrange—25.

So the bill passed.

*Ordered*, That the clerk inform the Senate thereof.

On motion by Mr. Humphreys,  
The following resolution of the Senate:

*Resolved*, That Senators Sage, Tarkington, Cravens, Brown and Parker, be, and they are hereby appointed a committee on the part of the Senate, to act with a similar committee on the part of the House of Representatives, to prepare and present to the Senate and House of Representatives, a bill apportioning the State for Senator and Representative purposes, to which the concurrence of the House of Representatives is respectfully requested.

Was taken from the table.

On motion by Mr. Humphreys,  
The House concurred in the resolution, and  
Messrs. Humphreys, Smith of Bartholomew, Wagner, Blake and Hayden, were appointed on the part of the House.

By Mr. Colgrove,

No. 333. A bill to authorize the Treasurer of State to buy for the State, lands sold on execution or by order of court, and to sell the same and execute deeds therefor, and to legalize purchases and sales already made in similar cases.

Was read a first time.

Mr. Colgrove moved to suspend the rules and read the bill a second time by its title now.

The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Austin, Ayres, Ballenger, Blake, Bowman, Boyd, Branham, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crowe, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Douglass, Early, Evans, Harrison, Herod, Hoagland, Humphreys, Hutchings, Kerr, Landiss, Lane, Larue, Lewis, Massey, Marvin, Merrifield, Modesitt, Moon, Moore, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neal, Price, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Sherman, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware,

Stillwell, Taggart, Trippett, Van Sandt, Wallace, Walpole, Ward, Whitcomb, Wiley, Williams of Lagrange, Yater, and Mr. Speaker—67.

*Those who voted in the negative were,*

Messrs. Bryan, Carnahan, Clark, Dancan, and Hayden—6.

So the rules were suspended, and the bill read a second time by its title, and

On motion by Mr. Colgrove,  
Referred to the committee on the judiciary.

On motion by Mr. Cullen,

The rules were suspended, and House bill No. 237. A bill to regulate the sale of spirituous, vinious, malt, or intoxicating liquors, Was taken up and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Ayres, Ballenger, Blake, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Conner of Hamilton, Conduitt, Cullen, Denby, Duncan, Douglass, Early, Edson, Evans, Hayden, Hoagland, Hutchings, Kerr, Lane, Lewis, Modesitt, Moon, McDonald of Fountain, McDonald of Lake, McGinnis, Neal, Reese, Reyman, Robbins, Schermerhorn, Slicer, Smith of Delaware, Steele, Stillwell, Stone, Studabaker, Taggart, Trippet, Wagner, Wallace, Williams of Knox, Williams of Lagrange, and Mr. Speaker—50.

*Those who voted in the negative were,*

Messrs. Allen, Austin, Bowman, Conner of Wabash, Crowe, Davis of Hendricks, Davis of Sullivan, Dobbins, Harrison, Hawkins, Herod, Humphreys, Landiss, Larue, Massey, Marvin, Merrifield, Moore, McKinney, Price, Sherrod, Shoulders, Shuman, Sloss, Todd, Walpole, Ward, Whitcomb, Wiley, Williamson, and Yater—32.

Mr. Bethell refused to vote.

So the bill did not pass for want of a constitutional majority.

By Mr. Schermerhorn,

No. 334. A bill to prescribe the duties of county assessors in this State, so as to provide for making their lists of farm products  
H. J.—57.



and domestic animals, and other property, every four years, and in regard to the duties of county auditors, and auditor of State, in connection therewith, and to repeal all laws conflicting herewith.

Which was read a first time, and passed to a second reading.

By Mr. Harrison,

No. 335. A bill in relation to suits against railroad companies. Which was read a first time, and passed to a second reading.

By Mr. Schermerhorn,

No. 336. A bill to amend an act entitled, "an act in relation to an act applying certain funds therein named, to the payment of the public debt, approved June 18th, 1852, for raising the rate of taxation for said purposes.

Which was read a first time, and passed to a second reading.

By Mr. Blake,

No. 337. A bill to authorize the purchase of lot 1, in square 64, in the city of Indianapolis, and the building thereon erected by the State Bank of Indiana, for the occupancy and use of the offices of State.

Which was read a first time.

Mr. Blake moved to suspend the rules and read the bill a second time by its title now.

The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Carnahan, Clapp, Clark, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Duncan, Ensey, Edson, Evans, Harrison, Hawkins, Hayden, Herod, Hutchings, Kerr, Lane, Larue, Massey, Marvin, Merrifield, Modesitt, Moon, McDaniel, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neal, Price, Schermerhorn, Shuman, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Stone, Studabaker, Taggart, Todd, Trippet, Ward, Whitcomb, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker

No person voting in the negative.

So the rules were suspended, the bill read a second time, and ordered to be engrossed.

By Mr. Marvin.

No. 338. A bill supplemental to an act entitled, an act to provide against the consequences ensuing, or likely to ensue, from the destruction of books, pamphlets, papers, records, or other writings of any county in this State, or any circuit, probate, commissioners, or other inferior court of record therein, or filed with, or in the legal custody of any officer, of any court in this State, and to provide for the perpetuation of testimony relative to the same, and requiring new official bonds to be given in cases where the bonds of officers, executors, administrators, and guardians, have been destroyed, approved January 12th, 1852.

Which was read a first time.

Mr. Marvin moved to suspend the rules, and read the bill a second time by its title now.

The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Bethell, Boyd, Branham, Branson, Brown, Carnahan, Clapp, Clark, Conner of Hamilton, Conner of Wabash, Conduitt, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Duncan, Early, Edson, Evans, Harrison, Hayden, Herod, Hoagland, Humphreys, Hutchings, Landiss, Lane, Larue, Lewis, Marvin, Merrifield, Modesitt, Moon, McDaniel, McDonald of Fountain, McDonald of Lake, McGinnis, Neal, Price, Reese, Reyman, Schermerhorn, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stone, Studabaker, Taggart, Todd, Trippet, Van Sandt, Wagner, Walpole, Ward, Whitcomb, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker—70.

So the rules were suspended, the bill read a second time by its title, and

On motion by Mr. Marvin,

Referred to a select committee, consisting of Messrs. Marvin, Schermerhorn, and Blake.

By Mr. Conduitt,

No. 339. A bill to amend the first section of an act, entitled an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto, approved June 18, 1852.

Which was read a first time and passed to a second reading.

On motion by Mr. McDonald of Lake,

The rules were suspended, and Senate bill No. 102, a bill to amend section twenty-five of an act to regulate the sale of swamp lands, donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant, approved May 29, 1852, and also to facilitate the ditching and draining of swamp lands, and to provide for the payment thereof in certain cases therein mentioned.

Was taken up and read a second time.

Mr. McDonald of Lake moved to amend the bill as follows :

Amend section two, by inserting after the words (original plan and estimate) the words "and contracts." And insert after the words "person or persons," the following: "Or any person or persons to whom they shall have assigned any portion of said contracts, or to whom they shall have conveyed or attempted to convey any portion of said land." And in all cases where patents have been issued on estimate for work not completed, they shall be returned and cancelled, and the lands and contracts held subject to the provisions of this act.

Add to section three the following :

And such certificates shall be assignable, and entitle the holder to such patents ; and if any such contractor or his assigns shall pay to the treasurer of the proper county the amount for which any of the lands so selected by him is subject to entry for cash, he may receive a certificate of payment therefor, upon which he shall be entitled to receive deeds from the State. And the money so paid to the county treasurer shall be retained in the county treasury, and shall be paid out to such contractor or his assign, upon the warrants of the commissioner, upon estimates for work done upon the contract, but such estimates shall not be for more than seventy five per cent for the work done, until the contract is completed. when the final estimate shall include the per centage thus retained: and the money so paid into the county treasury, shall not be applied or used for any other purpose, until the ditching and draining of such lands is completed.

Mr. McDonald of Lake moved that the amendments be considered as engrossed.

It was agreed to.

Mr. McDonald of Lake moved to suspend the rules, and read the bill a third time.

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Ayres, Ballenger, Batterton, Bethell, Blake, Boyd, Branham, Branson, Bryan, Carnahan, Clapp, Clark, Conner of Hamilton, Conner of Wabash, Conduitt, Crowe, Cullen, Davis

of Hendricks, Davis of Sullivan, Denby, Dobbins, Duncan, Early, Edson, Evans, Harrison, Hawkins, Herod, Hoagland, Hutchings, Jefferis, Kerr, Landiss, Lane, Larue, Marvin, Merrifield, Modesitt, Moon, Moore, McDaniel, McDonald of Lake, McGinnis, McKinney, Neal, Neff, Price, Reese, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stone, Studabaker, Taggart, Trippet, Vawter, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Yater, and Mr. Speaker—75.

Mr. Humphreys voting in the negative.

So the rules were suspended, and the bill read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Batterton, Bethell, Blake, Boyd, Bowman, Branham, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Evans, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Hutchings, Jefferis, Kerr, Landiss, Lane, Larue, Lewis, Massey, Marvin, Merrifield, Modesitt, Moon, Moore, McDaniel, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neal, Price, Reese, Reyman, Robbins, Sherrod, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Stone, Studabaker, Taggart, Todd, Trippet, Vawter, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Yater, and Mr. Speaker—86.

Mr. Gordon voted in the negative.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

On motion by Mr. Larue,  
The rules were suspended, and House bill

No. 263. A bill declaring John O'Brien a brother of Michael O'Brien, deceased, and the children of a deceased sister of Michael O'Brien deceased, heirs at law of the said Michael O'Brien deceased, and capable of inheriting his real estate in Indiana.

Was taken up and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Duncan, Early, Edson, Evans, Harrison, Hawkins, Hayden, Herod, Hoagland, Hutchings, Jefferis, Kerr, Landiss, Lane, Larue, Lewis, Massey, Marvin, Merrifield, Modesitt, Moon, Moore, McDaniel, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neal, Neff, Price, Reese, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Steele, Stillwell, Stone, Studabaker, Todd, Trippet, Van Sandt, Vawter, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, and Yater.—83.

*Those who voted in the negative were,*

Messrs. Humphreys, and Mr. Speaker—2.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

On motion by Mr. Marvin,

House bill No. 237. A bill regulating the sale of spirituous, vinous, malt, or intoxicating liquors.

Was taken up.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Ayres, Ballenger, Bethel, Blake, Boyd, Branham, Brown, Bryan, Carnahan, Clapp, Conner of Hamilton, Conduitt, Cullen, Denby, Douglass, Duncan, Early, Edson, Evans, Hayden, Hoagland, Hutchings, Kerr, Lane, Lewis, Modesitt, Moon, McDonald of Fountain, McDonald of Lake, McGinnis, Reese, Reyman, Robbins, Schermerhorn, Shoulders, Slicer, Steele, Stillwell, Stone, Studabaker, Taggart, Trippet, Vawter, Wallace, Williams of Knox, Williams of Lagrange, and Mr. Speaker—48.

*Those who voted in the negative were,*

Messrs. Adams, Allen, Austin, Batterton, Bowman, Branson, Colgrove, Conner of Wabash, Crowe, Davis of Hendricks, Dobbins, Gordon, Harrison, Hawkins, Herrod, Humphreys, Jefferis,

Landiss, Larue, Massey, Marvin, Merrifield, Moore, McDaniel, McKinney, Neal, Neff, Price, Shuman, Sloss, Van Sandt, Ward, Whitcomb, Wiley, Williamson, and Yater.—37.

So the bill did not pass for the want of a constitutional majority.

Mr. Sherrod moved to reconsider the vote taken on,

House bill No. 220. A bill to prohibit the issue of bank notes for circulation by the Bank of the State of Indiana upon deposits, and to provide for the location of additional branches of said bank.

Mr. Blake moved a call of the previous question.  
Which was seconded by the House.

The question being, shall the main question be now put?  
The ayes and noes were demanded by Messrs. Lane and Studabaker.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Batterton, Bethel, Blake, Bowman, Branham, Brown, Clapp, Colgrove, Conduitt, Denby, Duncan, Early, Evans, Hawkins, Hayden, Hoagland, Humphreys, Hutchings, Jefferis, Kerr, Larue, Lewis, Marvin, Merrifield, Modesitt, Moon, McDonald of Fountain, McDonald of Lake, Reese, Schermerhorn, Shuman, Sloss, Smith of Bartholomew, Steele, Stone, Taggart, Todd, Van Sandt, Vawter, Wagner, Ward, Williams of Lagrange and Williamson—48.

*Those who voted in the negative were,*

Messrs. Boyd, Carnahan, Conner of Hamilton, Crowe, Douglass, Edson, Herrod, Lane, Massey, Moore, McDaniel, McGinnis, McKinney, Neal, Neff, Price, Reyman, Robbins, Sherrod, Shoulders, Slicer, Studabaker, Trippet, Wallace, Whitcomb, Wiley, Williams of Knox, Yater, and Mr. Speaker.—29.

The question being, shall the vote taken on refusing to engross be reconsidered.

Pending which,

On motion by Mr. Crowe,

The House adjourned.



SATURDAY MORNING, 8½ O'CLOCK, }  
February 28th, 1857. }

The House met.

The clerk proceeded to read the journal.

When,

On motion by Mr. Humphreys,  
The further reading of the journal was dispensed with.

PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Bethell,

A petition signed by Peter Collins and others in reference to the treasurer of Warrick county.

Which,

On motion by Mr. Bethell,  
Was laid on the table.

By Mr. Hoagland,

A petition signed by C. D. Hill and others in reference to county auditors subscribing for a copy of school law.

Which,

On motion by Mr. Hoagland,  
Was referred to the committee on education.

By Mr. Duncan,

A petition signed by Jacob Bents and others in reference to a State road through Green and Owens counties.

Which,

On motion,  
Was referred to the committee on roads.

By Mr. Blake,

A petition signed by James M. Ray and others in reference to African colonization.

Which,

On motion by Mr. Blake,  
Was referred to the committee on ways and means.

By unanimous consent,

Mr. Lane offered the following resolution :

*Resolved*, That the committee on ways and means be instructed to report in the general appropriation bill, the usual annual appropriation of five thousand dollars for colonization purposes.

Which was not agreed to.

#### REPORTS FROM COMMITTEES.

Mr. Studabaker, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred House bill No. 289. A bill to extend further time to borrowers from the sinking fund, have had the same under consideration, and direct me to report the same back, and recommend its indefinite postponement.

On motion,

The report and bill were laid on the table.

Mr. Whitcomb, from the committee on claims, made the following report :

MR. SPEAKER :

The committee on claims, to whom was referred the petition of J. D. Bennett, sheriff of Lake county of this State, who represents that in January, 1856, in pursuance of a requisition from the Governor of Indiana upon the Governor of the State of Illinois, for the body of Benjamin D. Butts, charged upon indictment in the Lake circuit court with assault and battery with intent to kill, he proceeded to Clarke county, Illinois, arrested said Butts and conveyed him to the jail of Lake county, in the State of Indiana, and that he was thereby put to great expense, &c., have had the same under consideration, and directed me to submit the following resolution :

*Resolved*, That the committee on ways and means are hereby directed to incorporate into the specific appropriation bill an allowance to J. D. Bonnell of one hundred dollars, which shall be his compensation in full for said services.

The committee ask to be discharged from the further consideration of the subject.

Which report was concurred in, and the resolution adopted.

Mr. Merifield, from the committee on claims, made the following report :

MR. SPEAKER :

The committee on claims, to whom was referred the claim of J. D. Bonnell, sheriff of Lake county of three hundred dollars for pursuing and arresting one David Vrooman, and also ninety-one dollars and fifty cents for employing an assistant for conveying said Vrooman to the State prison, have had the same under consideration, and instructed me to report that in their opinion the services on which said claims are based are worthy of compensation; but they think the charges unreasonably large. After a careful consideration of all the circumstances the committee make the following award :

For pursuing and arresting said Vrooman.....	\$115,00
Employing assistant to take him to State prison....	40,00
Total.....	<hr/> \$155,00

Which the committee believe to be a reasonable and just allowance for said services, and they recommend that the same be referred to the committee of ways and means, with instructions to make provisions in the special appropriation bill for the payment of the same.

Which report was concurred in.

Mr. Hayden from the committee on claims, made the following report :

MR. SPEAKER :

The committee on claims, to whom was referred a resolution enquiring into the expediency of allowing Joseph W. Briggs the sum of twenty-five dollars for services as special prosecutor in the Sullivan circuit court in accordance with an order of said court, beg leave to report in favor of said claim, and recommend the committee of ways and means to make the provision in the specific appropriation bill, and that the committee be discharged.

The question being on concurring in the report.

The ayes and noes were demanded by Messrs. Moore and Conner of Wabash.

*Those who voted in the affirmative were,*

Messrs. Ayres, Bethell, Blake, Bowman, Branson, Brown, Bryan, Conner of Hamilton, Davis of Sullivan, Douglass, Duncan, Gordon, Hawkins, Hayden, Merrifield, Neff, Shuman, Todd, Whitcomb, Wiley, Williams of Lagrange, Williamson, and Wright—  
23.

*Those who voted in the negative were,*

Messrs. Abel, Allen, Adams, Austin, Batterton, Boyd, Branham,

Carnahan, Clapp, Clark, Conner of Wabash, Conduitt, Crowe, Davis of Hendricks, Early, Edson, Evans, Harrison, Herod, Hoagland, Hutchings, Landiss, Lane, Larue, Lewis, Massey, Marvin, Mercer, Moon, Moore, McDonald of Lake, McGinnis, McKinney, Neal, Price, Reese, Reymann, Robbins, Shoulders, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Studabaker, Taggart, Trippet, Van Sandt, Wagner, Wallace, Ward, Williams of Knox, Yater, and Mr. Speaker—53.

So the report was not concurred in.

Mr. Williams of Lagrange, from the committee on claims, made the following report :

MR. SPEAKER ;

The committee on claims, to whom was referred bill No. 228, entitled an act to amend the 83d section of an act making specific appropriation for 1855, beg leave to report, that they have had the same under consideration, that it simply includes the name of witness whose name was omitted in the appropriation of 1855. The committee have instructed me to report the same back, and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Wiley, from the committee on claims, made the following report :

MR. SPEAKER :

The committee on claims, to whom was referred the claim of J. B. Donaldson, marshall of Kansas territory, of seventy-five dollars for services in arresting Mathew France and delivering him over to Charles W. Seely, have had the same under consideration, and instructed me to report adversely to such claim. The committee have heretofore awarded to Charles W. Seely an amount which they supposed fully ample to meet all the expenses incurred and services rendered in the case, and they think any further allowance uncalled for by the facts in the case. They therefore recommend that the claim be not allowed and ask to be discharged from the further consideration of the same.

Which report was concurred in.

Mr. Conduitt, chairman of the committee on benevolent and scientific institutions, made the following report :

MR. SPEAKER :

The committee on benevolent institutions, to whom was referred so much of the Governor's message as relates to the benevo-

lent institutions of the State; also, the reports of the commissioners and superintendent of the hospital for the insane, having visited that institution, beg leave to submit the following report :

The committee inspected all portions of the hospital, with its household, offices, buildings, and grounds, and were gratified to observe that the accustomed neatness, cleanliness, good order, and efficiency prevailed throughout the establishment.

The number of patients has increased since the last session of the General Assembly, from one hundred and ninety-five to two hundred and forty-five, which is the present average number, and is fully equal to the capacity of the hospital.

The patients in the different wards seemed to be well clothed and cared for, their medical and sanitary treatment seemed judicious, and apparently they were made as comfortable as their various forms of mental disease would allow.

According to a statement made by the superintendent in answer to a resolution of the Senate, there were in the hospital, on the 18th day of February, 857, two hundred and fifty-two patients, being seven more than the institution could comfortably accommodate. These patients have been admitted from every county in the State, except twelve; and during the eight years and six months since the hospital was opened, every county in the State has had one or more of its suffering sons or daughters undergoing treatment or subjected to custody within its walls. The number of patients admitted has been 1,147.

Although so large a number have been treated in the hospital, still it is believed that there are not less than five hundred other insane persons in the State who are in urgent need of hospital care and treatment. Whether these unfortunate men and women are cured in a State institution for the insane, or in any other way, they are equally, in the judgment of your committee, a burden upon the State.

The curable, during the time their insanity continues, and the incurable, during the remainder of their lives, not only cease to produce, but they must eat the bread they do not earn, and consume the substance they do not create. They must receive their support from the treasury of the State, or from some of its counties, or from the income or capital of some of its people; there is no other resource. The State or its people will bear this heavy burden or support their insane, and the evil is not lessened, or its cost diminished by keeping it out of sight.

Whenever the estate or friends of an insane person fail to pay his expenses, the county or the State must do so, and the county or the State must continue to support him during the whole term of his insanity; that is in most cases; without proper treatment, for life. It is wise to calculate how few of the people of our comparatively new State, are able for a length of time to pay the cost of a friend's insanity, and here certainly the public will be called upon to feed and clothe him.

These and other important considerations seem imperatively to call upon us to make further provisions for the wants of the insane of the State, and it is with profound regret that the committee have come to the conclusion that it is inexpedient in the present state of the finances of the State, and in view of the heavy indebtedness already incurred by the hospital, to make any immediate provision for the extension of its wards.

The committee cannot too strongly express their disapprobation of the course of the commissioners of the hospital, and the treasurer of State, for their overdrafts on the treasury, and debts incurred in violation of law, on account of the extension of the new south wing—the whole indebtedness and overdrafts amounting to the sum of \$23,261 36.

The committee recommend that provision be made for the payment of this sum, and that future indebtedness of a like nature shall be guarded against by a proper enactment in the appropriation bill.

The committee regret that the officers of the institution did not cause to be prepared complete and detailed estimates for the improvements and expenditures of the current year.

The committee recommend that an appropriation be made for certain unfinished improvements, including the construction of an ice house, and repairs to the roof the hospital.

The committee, after a careful examination of the old boiler house, now used as a wash house, bakery and sewing room, are of the opinion, that it is a nuisance and endangers, in its present shattered condition, the lives of all who are connected with the household duties of the hospital. We recommend that it be at once removed, and that a building for the purpose of a chapel, laundry, library, bakery, cellar, verandah, with mangles, for ironing and machinery for washing be erected on its site, and that this building be let by contract or contracts to the lowest and best responsible bidder or bidders, and that no portion of the work shall be commenced, unless it can be finished and furnished with complete fixtures and machinery, complete for a sum not exceeding that which your committee will recommend.

An abundant supply of pure fresh water is of vital importance to the success and even the existence of a hospital for the insane and yet the committee find that the Indiana hospital has no continued and certain provision for obtaining water. The supply from the wells, at present used, is generally inadequate to the needs of the institution, and at times entirely wanting.

The committee recommend that immediate provision be made for obtaining an unfailing supply from Eagle creek, if it shall be deemed necessary, but if an abundance of water can be otherwise procured, at a less expense, then the less expensive course shall be adopted; and the committee recommend that the commissioners shall advertise for proposals for furnishing hospital with water, the



source of supply being at the option of the bidder, and that the contract be given to the lowest and best bidder.

The old wards of the hospital are insufficiently furnished, much of the furniture being worn out and broken; and the committee recommend that an appropriation be made for refurnishing the same.

The committee recommend an appropriation for the construction and painting airing court fences. Airing courts are deemed essential to our comfort and recovery of that class of patients who are too feeble to work, and those who are too troublesome and dangerous to be trusted out of doors without an enclosure.

The committee recommend an appropriation for the introduction of gas apparatus, to be used in 1858. The Benzole gas now in use in the institution for educating the deaf and dumb to be provided, if it shall prove satisfactory in that institution; if not, any other efficient apparatus that will not exceed in cost the sum appropriated may be introduced.

The committee recommend that the Superintendent of Public Instruction be authorized to supply the Indiana hospital for the insane with books to the value of \$250, the books to be selected by the superintendent of said instruction.

The committee are of the opinion that the compensation of the superintendent is inadequate, and is not commensurate with the responsibilities of his position; they therefore recommend that his salary be increased to \$1500 a year.

The committee are satisfied that the expenditures on account of current expenses, considering the enhanced price of provisions and all articles of produce, have been judiciously made. It is believed that the amount heretofore appropriated will be sufficient for the support of the institution for the fiscal year ending April 1st, 1857.

The committee recommend, in accordance with the estimate of the superintendent, appropriations for current expenses as follows:

From April 1, 1857 to April 1, 1858.....	\$34,000 00
“ “ 1858 “ “ 1859..	\$34,000 00

The committee also recommend, as before stated, outstanding indebtedness and other drafts on the treas'y. 23,261 34

For unfinished improvements . . . . . 1,740 85

For chappel, laundry, cellar, bakery and all machinery and fixtures for the same..... 25,000 00

For obtaining a supply of water..... 13,000 00

For refurnishing the old wards..... 4,000 00

For stove pipes, &c..... 300 00

For the construction of a gas apparatus, with all necessary fixtures..... 5,410 00

The committee recommend that the above appropriations for our standing indebtedness and over drafts, for unfinished improve-

ments, for laundry, chapel, &c., for obtaining a supply of water, for airing court, fences, for stove pipes, and one half the sum recommended for refurnishing the old wards, shall be paid out of the revenues of 1857, and that the appropriations for a gas apparatus and fixtures, and one half the sum provided for refurnishing the old wards shall be paid out of the revenues of 1858.

The committee recommend that no portion of the buildings or improvements herein approved, shall be commenced, or obtained, unless they can be finished, or furnished complete for the sums set forth in this report. And the committee further recommend that the officers of the institution shall be restricted in their expenditures to the appropriations herein recommended, and that such part only of the sums appropriated shall be drawn from the treasury, as shall be needed for the several purposes specified, and that such appropriations shall be specifically applied to such purposes, and to no other; and it is further recommended that the officers of State shall not permit any warrant to issue, or to be paid, nor to advance any money to the hospital after such appropriations are exhausted; and that the sinking fund commissioners shall be prohibited from loaning or advancing any money to said institution.

Which report was concurred in, and

On motion,

Referred to the committee on ways and means.

On motion by Mr. Kerr,

No. 130. A bill to authorize the record of deeds or transcripts thereof to be read in evidence, where in certain cases they have been recorded in the adjoining county.

Was taken up and read a second time.

Mr. Kerr moved to suspend the rules and read the bill a third time now.

The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crowe, Cullen, Denby, Dobbins, Duncan, Douglass, Early, Edson, Evans, Gordon, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Hutchings, Kerr, Landiss, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Modest, Moon, McDaniel, McDonald of Lake, McGinnis, Neal, Neff, Price, Reese, Robbins, Schermerhorn, Sherrod, Shoulders, Shuman, Slicer, Sloss, Smith of Delaware, Steele, Stillwell, Studabaker, Taggart, Todd, Trippet, Van Sandt, Vawter, Wagner, Wallace,

Ward, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Walpole, and Yater—81.

*Those who voted in the negative were.*

Messrs. Moore, and Mr. Speaker—2.

So the rules were suspended and the bill read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crowe, Cullen, Davis of Hendricks, Denby, Douglass, Duncan, Early, Edson, Evans, Gordon, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Hutchings, Kerr, Landiss, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moon, Moore, McDaniel, McDonald of Lake, McGinnis, McKinney, Neal, Neff, Price, Reese, Reyman, Robbins, Sherrod, Shoulters, Shuman, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Studabaker, Taggart, Todd, Trippet, Van Sandt, Vawter, Wagner, Wallace, Ward, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Wright, and Yater—84.

Mr. Speaker voted in the negative.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

Mr. Colgrove, from the committee on the judiciary, made the following report.

**MR. SPEAKER :**

The committee on the judiciary, to whom was referred House bill No. 333. A bill to authorize the treasurer of State to buy for the State, lands sold on execution or by order of court, and sell the same and execute deeds therefor, and to legalize purchases and sales already made in similar cases; have had the same under consideration, and have instructed me to report the same back and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

On motion by Mr. Colgrove,

The bill was considered as engrossed, and read a third time now.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Austin, Ayres, Ballenger, Batterton, Blake, Boyd, Branham, Branson, Brown, Bryan, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crowe, Cullen, Davis of Hendricks, Douglass, Duncan, Early, Gordon, Harrison, Hawkins, Hayden, Herod, Hutchings, Landiss, Lane, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moore, McDaniel, McDonald of Lake, McGinnis, Neal, Price, Reese, Reyman, Shoulders, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Studabaker, Taggart, Todd, Trippet, Van Sandt, Vawter, Wagner, Ward, Whitcomb, Wiley, Williams of Lagrange, Williamson, Wright, and Yater—66.

*Those who voted in the negative were,*

Messrs. Adams, Bethell, Bowman, Carnahan, Denby, Humphreys, Neff, Robbins, Williams and Mr. Speaker—10.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

On motion by Mr. Branson,  
Leave of absence was granted to Mr. Davis of Sullivan.

Mr. Gordon, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 257, being "a bill to amend the first section of an act entitled an act prescribing the duties and fixing the compensation of State Agent," approved June 17th, 1852, have had the same under consideration, and directed me to report it back and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Denby, from the committee on corporations, made the following report:

H. J.—58.

The committee on corporations, to whom was referred House bill No. 246. A bill to repeal the repealing clause of section fifty-seven, an act entitled an act for the incorporation of insurance companies, defining their powers, and prescribing their duties, have had the same under consideration, and have directed me to report the same back and recommend its passage

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Denby, from the committee on corporations, made the following report :

MR. SPEAKER :

The committee on corporations, to whom was referred Senate bill No. 50, "a bill to amend an act entitled an act to incorporate the Clay Cotton Mills," have had the same under consideration and directed me to report the same back and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Blake, from the committee on the organization of courts of justice, made the following report :

MR. SPEAKER :

The committee on the organization of courts, to whom was referred bill No. 76, a bill to authorize the board of county commissioners to allow a compensation to circuit judges or other persons duly authorized for holding adjourned or special sessions of their courts, and to give a speedy public trial to all persons who may be charged with felony in this State, and imprisoned therefor in any county jail.

have had the same under consideration, and directed me to report the same back with the following amendments to be inserted after the first section, and when so amended recommend its passage:

Sec. 2 That hereafter when any person may be charged and imprisoned in any jail in this State for felony, the circuit judge in whose circuit said imprisonment may take place, shall as soon as practicable after notice of such imprisonment, cause such prisoner to be brought before him, and if in his opinion such prisoner is guilty of felony, such judge shall cause a grand jury to be empaneled, consisting of twelve good and lawful resident householders, whose duty it shall be to enquire of such felony and find a bill of indictment against such prisoner, if in their opinion the testimony adduced before them is sufficient to authorize such finding.

Sec. 3. If such grand jury find a true bill against the prisoner, shall be the duty of such judge to cause a speedy public trial of

such prisoner at the usual place of holding courts in said county, and put such prisoner upon his trial in due course of law; and for the purpose of such trial such judge shall have full power to issue a venire for a jury, who, when summoned and sworn, shall have the same power to try such cause as if regularly empaneled at any regular term of said court.

Sec. 4. The several circuit judges shall have jurisdiction of all such cases in the vacation of their several courts, and shall exercise it according to law in the same manner as provided by law at the regular terms of said court, with all the powers incident to a trial at such regular term of the several courts.

Sec. 5. If such prisoner shall object, he may by an entry of record waive the calling of a grand jury and finding of an indictment, and go to trial on the affidavit and information on file.

Which report was concurred in and the amendment adopted.

On motion by Mr. Blake,  
The bill was considered as engrossed and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Clapp, Colgrove, Conner of Wabash, Conduitt, Crowe, Cullen, Davis of Hendricks, Denby, Duncan, Early, Edson, Evans, Harrison, Hayden, Herod, Hoagland, Humphreys, Hutchings, Landiss, Lane, Larue, Lewis, Massey, Mercer, Merrifield, Modest, Moore, McDaniel, McDonald of Lake, McGinnis, McKinney, Neal, Neff, Price, Reese, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Shuman, Slicer, Sloss, Smith of Delaware, Smith of Bartholomew, Steele, Taggart, Todd, Trippet, Van Sandt, Vawter, Whitcomb, Wiley, Williams of Lagrange, Williamson, Wright and Yater—74.

*Those who voted in the negative were,*

Messrs. Douglass, Ward, and Mr. Speaker—3.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

On motion by Mr. Clapp,

No. 294. A bill to provide for the assessment and taxation of lands and real estate belonging to railroad, plank road, or other incorporated or joint stock companies.

Was taken up and read a third time.



The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Carnahan, Clapp, Clark, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crowe, Cullen, Davis of Hendricks, Denby, Douglass, Duncan, Early, Edson, Evans, Harrison, Hawkins, Hayden, Herod, Humphreys, Kerr, Landiss, Lane, Larue, Lewis, Massey, Mercer, Moon, Moore, McDaniel, McDonald of Lake, McKinney, Neal, Neff, Price, Reyman, Reese, Robbins, Schermerhorn, Sherrod, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Steele, Stillwell, Studabaker, Taggart, Todd, Trippet, Van Sandt, Vawter, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Wright, Yater, and Mr Speaker—78.

No person voted in the negative.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

On motion by Mr. Abel,

House bill No. 320. A bill providing for transfers of scholarships in the Indiana University for valuable consideration.

Was taken up, and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Colgrove, Conner of Hamilton, Conner of Wabash, Crowe, Cullen, Davis of Hendricks, Denby, Douglass, Duncan, Early, Edson, Harrison, Hayden, Herod, Hoagland, Humphreys, Kerr, Landiss, Lane, Larue, Lewis, Marvin, Mercer, Merrifield, Moore, McDonald of Lake, McGinnis, McKinney, Neal, Reese, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Sloss, Smith of Bartholomew, Steele, Stillwell, Studabaker, Taggart, Todd, Trippet, Van Sandt, Vawter, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Wright, Yater, and Mr. Speaker.—74.

No person voted in the negative.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Smith of Bartholomew made the following report :

MR. SPEAKER :

The committee, to whom was referred House bill No. 327, a bill to amend sections 95, 97, and 101 of an act, entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof, have had the same under consideration, and have directed me to report the same back to the House, recommending its passage.

Which report was concurred in, and the bill ordered to be engrossed.

On motion by Mr. Schermerhorn,

Joint resolution No. 16, a joint resolution in reference to the management of public property of the State of Indiana within the county of Marion, which is not now in the possession or occupancy of said State, but is now adversely or otherwise held and occupied by divers persons, without paying any rent or other compensation therefor.

Was taken up.

Mr. Kerr offered the following amendments :

Amend the third resolution, by striking out the following words, to-wit : And for all reasonable costs and expenses necessarily incurred in the prosecution of any such action or actions, the auditor is hereby authorized to draw upon the Treasurer of State by warrant.

Amend third resolution by adding thereto the following provision :

*Provided*, That this resolution shall not be construed to apply to the military lands of the State of Indiana.

Which were agreed to.

Mr. Kerr moved to suspend the rules, and read the bill a third time now.

The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Austin, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Clapp, Colgrove, Conner of Hamilton, Conduitt, Crowe, Cullen, Denby, Douglass, Duncan, Edson, Evans, Harrison, Herod, Humphreys, Hutchings, Kerr, Landiss, Lane, Lewis, Massey, Marvin, Mercer, Merrifield, Moon, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neal, Neff, Price, Reese, Reyman, Robbins, Schermer-

horn, Sherrod, Shuman, Slicer, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Studabaker, Todd, Trippet, Van Sandt, Wagner, Ward, Whitcomb, Wiley, Williams of Knox, Williamson, Wright, Yater, and Mr. Speaker—68

*Those who voted in the negative were,*

Messrs. Carnahan, Clark, and Moore—3.

So the rules were suspended, and the bill as amended was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Conner of Hamilton, Conner of Wabash, Conduitt, Crowe, Cullen, Denby, Douglass, Duncan, Early, Edson, Evans, Hawkins, Hayden, Herod, Humphreys, Hutchings, Kerr, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Moon, McDaniel, McGinnis, McKinney, Neal, Reese, Reyman, Robbins, Schermerhorn, Sherrod, Shuman, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Studabaker, Taggart, Todd, Trippet, Van Sandt, Vawter, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Wright, Yater, and Mr. Speaker—68.

No person voting in the negative.

So the joint resolution passed.

*Ordered,* That the Clerk inform the Senate thereof.

On motion by Mr. Denby,

No. 267, a bill to enable railroad companies to alter the line of railroads, when sufficient stock cannot be raised to complete the same according to the original design thereof.

Was taken up and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Austin, Ayres, Batterton, Bethell, Blake, Bowman, Boyd, Branson, Bryan, Carnahan, Clark, Colgrove, Conner of Hamilton, Conduitt, Cullen, Davis of Hendricks, Denby, Duncan, Edson, Evans, Harrison, Hawkins, Hayden, Herod, Hoagland, Lan-

diss, Lane, Lewis, Massey, Mercer, Merrifield, Moon, McDonald of Lake, McGinnis, McKinney, Neal, Neff, Price, Reese, Reyman, Schermerhorn, Sherrod, Shuman, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Taggart, Trippet, Van Sandt, Vawter, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williamson, Wright, and Yater—62.

*Those who voted in the negative were,*

Messrs. Clapp, Conner of Wabash, Crowe, Douglass, Early, Humphreys, Hutchings, McDaniel, Slicer, Studabaker, Todd, and Mr. Speaker—12.

So the bill passed.

*Ordered,* That the clerk inform the Senate thereof.

On motion by Mr. Colgrove,

House bill No. 73, a bill authorizing the Treasurer and Auditor of State to settle with, and to credit Henry P. Rowen with certain sums of money, deposited in the Wabash Valley bank, as also checks drawn on the same,

Was taken up and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Ballenger, Batterton, Bethell, Blake, Boyd, Brown, Clapp, Colgrove, Cullen, Davis of Hendricks, Douglass, Evans, Hawkins, Hutchings, Kerr, Larue, Lewis, Mercer, Merrifield, Moon, McDonald of Lake, McKinney, Price, Reese, Robbins, Schermerhorn, Shuman, Sloss, Vawter, Ward, and Williams of Lagrange—32.

*Those who voted in the negative were,*

Messrs. Adams, Austin, Ayres, Bryan, Branson, Carnahan, Clark, Conner of Hamilton, Conner of Wabash, Conduitt, Crowe, Duncan, Early Edson, Gordon, Harrison, Hayden, Herod, Hoagland, Humphreys, Landiss, Massey, Marvin, Moore, Neal, Neff, Reyman, Sherrod, Slicer, Smith of Bartholomew, Studabaker, Taggart, Trippet, Wallace, Whitcomb, Wiley, Williamson, Wright, Yater, and Mr. Speaker—40.

So the bill did not pass.

On motion by Mr. Studabaker,

House bill No. 308. A bill relative to the printing, binding, and

distribution of the session acts, House, Senate, and documentary journals, declaring who shall be entitled to a copy o' the same, authorizing the Secretary of State to dispose of copies of acts by sale, when called for, and allowing such secretary a compensation for superintending such printing, binding, and distribution.

Was taken up and read a second time.

On motion by Mr. Studabaker,

Referred to a select committee, consisting of Studabaker, Early, and Hoagland.

On motion by Mr. Merrifield,

No. 270. A bill to amend section 6, of an act entitled, an act to incorporate the St. Joseph Iron Company, approved January 22d, 1835, and to repeal of said act sections 7, 8, 9, 10, 11 and 12. whereby said company will be released from the obligation to keep up and maintain a lock at their dam on the St. Joseph River at Mishawaka.

Was taken up, and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Conner of Hamilton, Conner of Wabash, Conduitt, Crowe, Cullen, Davis of Hendricks, Douglass, Duncan, Edson, Evans, Hawkins, Herod, Hoagland, Hutchings, Kerr, Landiss, Lane, Larue, Lewis, Massey, Marvin, Mercer, Moon, McDaniel, McDonald of Lake, McKinney, Neal, Neff, Price, Reese, Reyman, Schermerhorn, Sherrod, Shuman, Slicer, Sloss, Smith of Bartholomew, Steele, Studabaker, Taggart, Tippet, Vawter, Ward, Whitcomb, Wiley, Williams of Lagrange, Williamson, Wright, and Mr. Speaker—67.

No person voted in the negative.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

On motion,

House bill No. 271. A bill to amend an act entitled, an act to incorporate the South Bend Manufacturing Company, approved December 28th, 1842, so as to repeal so much of section 7 of said

act as requires said company to keep up and maintain a lock at the dam on the St. Joseph River.

Was taken up and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Batterton, Bethell, Bowman, Boyd, Branson, Brown, Carnahan, Clapp, Clark, Conner of Hamilton, Conner of Wabash, Conduitt, Crowe, Davis of Hendricks, Denby, Douglass, Duncan, Early, Edson, Evans, Gordon, Harrison, Hawkins, Hoagland, Humphreys, Hutchings, Landiss, Lane, Lewis, Massey, Marvin, Mercer, Merrineld, Moon, McDaniel, McDonald of Lake, McKinney, Neal, Neff, Price, Reymann, Schermerhorn, Shuman, Slicer, Smith of Bartholomew, Studabaker, Taggart, Trippet, Wallace, Ward, Whitcomb, Williams of Lagrange, Williamson, and Mr. Speaker—62.

*Those who voted in the negative were,*

Messrs. Blake, Branham, Bryan, Cullen, and Wiley—5.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

On motion by Mr. Sutudabaker,

Leave of absence was granted to Mr. Walpole until next Friday.

Mr. Conduitt, chairman of the committee on benevolent and scientific institutions, made the following report:

MR. SPEAKER :

The committee upon benevolent institutions have visited the institute for the blind, and made all reasonable efforts in their power to obtain correct information respecting the affairs thereof, properly connected within the range of their duty, and have directed me to make the following report :

The committee regret to be compelled to say, that the finances of the institute, pursuant to the appropriation made by law, have not been managed as good policy and economy would demand for the past two years, nor has the law itself had that strict observance that the interest of the State should require. The legislature two years ago made appropriations for the institution about as follows :



For current expenses up to the first day of April, '55	\$4,000 00
Current expenses from the first day of April, 1855, to first day of April, 1856.....	14,450 00
From the first day of April, 1856, to the first day of April, 1857.....	15,450 00
For discharge of the then existing debt of the institution.....	21,334 50
For heating apparatus.....	4,000 00
For fence in rear of institution.....	450 00
For repairs.....	400 00
	<hr/>
	\$60,084 50

In the report of the board of trustees, and their estimates for appropriations for the ensuing two years, they again ask appropriations beginning Oct. 31, 1856, and covering five months of the time for which appropriations were made as af resaid, and the heating apparatus is yet uncompleted. The committee have looked to the future and recommend the following appropriations. Estimated expenditures from Oct. 31st, 1856, to Oct. 31st, 1857;

For salaries of officers.....	\$2,800 00
For current expenses.....	8,500 00
For furniture.....	800 00
For fuel and lights.....	1,500 00
For school apparatus.....	200 00
For work department.....	2,000 00
For pupils' clothing.....	1,000 00
For improvements and repairs.....	1,000 00
	<hr/>
Total.....	\$17,500 00

A like sum for like purposes for the year ending Oct. 31, 1858.

And for the five months ending April 1st, 1859, the sum of \$7,283, to be proportioned as above, according to time, for the specified purposes.

For completing heating apparatus, \$4,000. Making in all, up to the 1st day of April, 1859, the sum of \$46,583.

The committee would respectfully recommend the following as a section in the general appropriation bill, viz:

SEC. —. That it shall be unlawful for the auditor to draw on the treasurer of State to pay any warrant, or to pay or advance money, for or in behalf of either of the benevolent institutions of the State, after the appropriations provided for in this act are exhausted, and for each offense against the provisions of this section, the person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be fined in any sum not less than fifty dollars, nor more than an amount equal to the sum or sums so drawn or overpaid.

The committee further report, that they have entire confidence that the institution under the care and management of a trustworthy and skillful superintendent, in whom they have implicit confidence, and that ample justice will be done alike to the State and pupils they have no doubt. And from the present indications in the progress of the pupils, this humane institution bids fair to continue to be an honor and credit to the people of Indiana, and to shadow forth untold blessing in behalf of that unfortunate portion of our race, who are bereft of their vision.

The committee would further remark, that by the report of the board of trustees, it is shown that there is a controversy between the institute and Elijah Newland, Esq., former treasurer of State, as to the amount of \$1,362 23, and the board urge upon the legislature the propriety of taking some measures to recover the amount so in controversy.

The committee, therefore, offer, and recommend the adoption of the following:

#### JOINT RESOLUTION.

No. 19. A joint resolution authorizing the attorney general to commence suit against Elijah Newland, former Treasurer of State, on behalf of the institution for the blind.

Which was read a first time and passed to a second reading.

On motion,

The report was referred to the committee on ways and means.

On motion of Mr. Neff,

House bill No. 5. A bill defining certain rights, privileges and duties of railroad companies, and their officers, and allowing process to issue from any county on the line of road,

Was taken up and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Batterton, Boyd, Branham, Branson, Bryan, Carnahan, Clapp, Clark, Conner of Hamilton, Conner of Wabash, Crowe, Cullen, Denby, Douglass, Duncan, Early, Gordon, Harrison, Hawkins, Hoagland, Humphreys, Hutchings, Kerr, Landiss, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moon, Moore, McDaniel, McDonald of Lake, McGinnis, McKinney, Neff, Reese, Reyman, Shuman, Slicer, Smith of Bartholomew, Studabaker, Taggart, Todd, Vawter, Wagner, Wallace, Wiley, and Williamson—57.

*Those who voted in the negative were,*

Messrs. Bethell, Blake, Bowman, Brown, Conduitt, Davis of

Hendricks, Neal, Schermerhorn, Sherrod, Sloss, Steele, Trippet, Ward, Whitcomb, Williams of Lagrange, and Mr. Speaker—16.

So the bill passed.

By unanimous consent,

The title was amended to read as follows :

An act to compel railroad companies to keep an office within this State, and allowing process to be issued in any county through which any railroad passes, and allowing railroad companies to change their roads, under certain restrictions.

*Ordered*, That the Clerk inform the Senate thereof.

On motion by Mr. Humphreys,

Senate bill No. 88, a bill to enable persons whose wives are insane, to convey real estate,

Was taken up and read a second time.

Mr. Humphreys moved to suspend the rules, and read the bill a third time.

The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Carnahan, Clapp, Clark, Conner of Hamilton, Conner of Wabash, Crowe, Davis of Hendricks, Denby, Douglass, Duncan, Evans, Gordon, Harrison, Hawkins, Hoagland, Humphreys, Hutchings, Kerr, Landiss, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moon, McDonald of Lake, McGinnis, McKinney, Neal, Neff, Price, Reymann, Schermerhorn, Sherrod, Shuman, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Studabaker, Taggart, Todd, Trippet, Vawter, Wallace, Ward, Whitcomb, Wiley, Williams of Lagrange, Williamson, Yater, and Mr. Speaker—68.

Mr. Moore voted in the negative.

So the rules were suspended, and the bill read a third time.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Clapp, Conner of Hamilton, Crowe, Denby, Douglass, Duncan, Early, Evans, Gordon. Harri-

son, Hawkins, Hoagland, Humphreys, Hutchings, Kerr, Landiss, Lane, Lewis, Massey, Marvin, Mercer, Merrifield, Moon, McDonald of Lake, McGinnis, McKinney, Neff, Reese, Reyman, Schermerhorn, Sherrod, Slicer, Sloss, Smith of Bartholomew, Steele, Studabaker, Todd, Trippet, Vawter, Wallace, Ward, Williamson, Yater, and Mr. Speaker—57.

*Those who voted in the negative were,*

Messrs. Ayres, Carnahan, Conner of Wabash, Davis of Hendricks, Larue, Moore, Neal, Price, Shuman, Wiley, and Williams of Lagrange—11.

So the bill passed.

*Ordered,* That the clerk inform the Senate thereof.

On motion by Mr. Bethell,  
The House adjourned.

1½ O'CLOCK P. M.

The House met.

By unanimous consent,  
Mr. Bethell introduced,

Bill No. 340. A bill for the relief of Calvin M. Williams, late treasurer of the county of Warrick.

Which was read a first time and passed to a second reading.

By unanimous consent,  
The order of business was suspended, and the House proceeded to take up

#### SENATE BILLS ON SECOND READING.

No. 31. A bill supplemental to the 9th article of an act entitled an act to revise, simplify, and abridge, the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, to provide for the adminis-

tration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18th, 1852.

Was read a second time, and

On motion by Mr. Lane,

Referred to the committee on the judiciary.

No. 33. A bill to provide for the sale of freights shipped upon railroads, boats, and other public conveyances, or consigned to wharfingers and warehouses, to pay expense of transportation and storage, and to prevent the loss of the same to the owner.

Was read a second time, and

On motion by Mr. Bethell,

Referred to the committee on the judiciary.

No. 51. A bill entitled a bill to preserve the purity of elections, and to amend section 21 of an act regulating general elections, and prescribing the duties of officers in relation thereto, approved June 7, 1852.

Was read a second time, and

On motion by Mr. Kerr,

Referred to the committee on the judiciary.

No. 88. A bill to amend the 14th section of an act entitled an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof, approved May 14, 1852.

Was read a second time, and

On motion by Mr. Lane.

Referred to the committee on the judiciary.

No. 72. A bill to amend the 1st section of an act entitled an act authorizing proceedings to try the right of property seized by virtue of any writ of execution or attachment, and claimed by any person other than the execution or attachment defendant, approved June 10, 1852.

Was read a second time,

Mr. Lane moved to refer the bill to the committee on the judiciary with the following instructions :

To amend the 2d section of said act so as to provide that the sureties in the original action in cases of attachment, shall be liable on their undertaking in the original action for all costs adjudged against the defendant on the trial of the right of property.

Which was agreed to.

No. 73. A bill to provide for the disposition of real estate of aliens dying or having died intestate or testate, without heirs or devisees capable of taking such real estate by devise or descent.

Was read a second time, and

On motion by Mr. Studabaker,

Referred to the committee on the judiciary.

No. 77. A bill to amend an act establishing general provisions respecting corporations, approved June 15, 1852.

Was read a second time, and

On motion by Mr. Steele,

Referred to the committee on corporations.

No. 93. A bill to prevent betting on elections, and providing punishment for the same.

Was read a second time, and

On motion by Mr. Marvin,

Referred to the committee on elections.

No. 101. A bill to authorize county auditors, recorders and surveyors, to re-copy maps, plats, and field notes, when original copies are worn or defaced, and prescribing the duty of county commissioners in relation thereto, and to repeal an act entitled an act to authorize county auditors and recorders to re-copy maps and plats when the original copies are worn or defaced, approved June 15, 1852.

Was read a second time, and

On motion by Mr. Carnahan,

Referred to a select committee consisting of Messrs. Carnahan, Claypool and Lane.

No. 30. A bill to enable the Governor, Auditor, and Treasurer of State, with the advice of the Attorney General to compromise actions or causes of action between the State and a citizen or citizens thereof.

Was read a second time, and

On motion by Mr. Lane,

Referred to the committee on the judiciary.

No. 120. A bill to enable married women whose husbands have absented themselves, to exercise the rights of householders.

Was read a second time and passed to a third reading.

Senate joint resolution No. 6. Authorizing the Superintendent of Public Instruction to furnish to the State Prison one township library.

Was read a second time, and ordered to a third reading.



## HOUSE BILLS ON SECOND READING

No. 304. A bill to amend section 1 of an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto; approved June 18, 1852.

Was read a second time, and,

On motion by Mr. Taggart,

Referred to the committee on roads, with the following instructions:

Each supervisor shall receive one dollar per day out of the township treasurer for all the time necessarily employed as such supervisor, over and above the average amount of labor performed by the hands of such road district.

No. 306. A bill to amend section 32, and to repeal 33, 34. and 35, of an act entitled an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State, approved June 21, 1852.

Was read a second time and ordered to be engrossed.

No. 307. A bill defining the duties of county Auditors and treasurers, in relation to the issuing and paying county orders.

Was read a second time, and

On motion by Mr. Larue,

Referred to the committee on county and township business.

No. 309. A bill to regulate the sale of spirituous, vinous, malt, or other intoxicating liquors, to prescribe the punishment for the violation of the same, and to lessen the evils of intemperance.

Was read a second time, and

On motion,

Referred to a select committee consisting of Messrs. Cullen, Smith of Bartholomew and Larue.

No. 310. A bill to amend the 749th section of an act entitled, an act to revise, simplify, and abridge the rules, practice, pleading and forms in civil cases, in the courts of this State; to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity, approved June 18th, 1852.

Was read a second time, and,

On motion by Mr. Conner of Wabash,

Referred to the committee on the judiciary.

No. 311. A bill explanatory of the fifteenth section of an act to establish a bank with brauches and amendatory thereto.

Was read a second time, and,

On motion by Mr. Lane,

Referred to a select committee consisting of Messrs. Lane, Clapp, and Carnahan.

No. 312. A bill granting a lien upon crops of annual growth, when the parties agree that such rent shall be paid in kind, which lien shall not exceed one-half of such crop.

Was read a second time, and,

On motion by Mr. Carnahan,

Referred to a select committee, consisting of Messrs. Carnahan, Wright, Trippet and Wagner.

No. 313. An act to amend the 1st section of an act concerning enclosures, trespassing animals and partition fences, approved June 4th, 1852.

Was read a second time, and,

On motion by Mr. Boyd,

Referred to the committee on agriculture.

No. 314. A bill to authorize the formation of new counties, and to change county boundaries.

Was read a second time, and,

On motion by Mr. Blake,

Referred to the committee on the judiciary.

No. 315. A bill concerning promissory notes, bills of exchange, bonds, or other instruments of writing, signed by any person who promises to pay money or acknowledges money to be due or to perform any stipulation therein mentioned, making the same negotiable by endorsement thereon, regulating recovery under the same, damages, charges, rate of exchange, days of grace, and other matters pertaining to the value, transfer, and collection of such investments.

Was read a second time, and,

On motion by Mr. Lane,

Referred to the committee on the judiciary.

No. 316. A bill repealing an act to establish a bank with branches, passed March 3d, 1855.

Was read a second time, and,

On motion by Mr. Lane,

Referred to a select committee heretofore appointed, consisting of Messrs. Cullen, Smith of Bartholomew, and Larue.

No. 318. A bill to amend sections 75, 93 and 94, of an act entitled an act to provide for the valuation and assessment of the

real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real estate, county treasurers and auditors, and of the auditor and treasurer of State, approved June 21st, 1852.

Was read a second time, and,

On motion by Mr. Edson,

Referred to the committee on the judiciary.

No. 319. A bill to cure erroneous defects and irregularities in the organization of railroad companies, legalizing their acts and doings, prescribing the rule to courts and juries in cases where such irregularities exist, providing for the withdrawal of the original articles of association, when necessary to be used in the collections to stock, and prescribing the rules of practice as to the production of such original articles in court.

Was read a second time, and,

On motion by Mr. Conner of Wabash,

Referred to the committee on corporations.

No. 321. A bill to regulate the sale of spirituous and intoxicating liquors.

Was read a second time, and,

On motion by Mr. Wagner,

Referred to a select committee, consisting of Messrs. Cullen, Smith of Bartholomew, and Larue.

No. 322. A bill to authorize the lessees of any railroad or railroad company in the State of Indiana, to organize under an act establishing general provisions respecting corporations, approved June 15th, 1852.

Was read a second time, and,

On motion by Mr. Conner of Wabash,

Referred to the committee on the judiciary.

No. 323. A bill to authorize the empanneling of petit jurors in the circuit courts, and to repeal an act therein named.

Was read a second time, and,

On motion by Mr. Abel,

Referred to the committee on county and township business.

No. 324. A bill to supply the several counties in this State with twenty-five copies each of the acts of the General Assembly of 1855.

Which was read a second time, and ordered to be engrossed.

No. 325. A bill to amend the first section of an act entitled an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of

Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the treasurer and auditor of State, approved June 21st, 1852, so as to authorize the board of commissioners of the several counties of this State, to assess poll taxes for county expenditures, and to legalize the action of the commissioners, auditors, and treasurers of the several counties in this State where poll taxes have been assessed, levied and collected heretofore.

Was read a second time, and,

On motion by Mr. Conner of Wabash,

Referred to the committee on county and township business.

No. 328. A bill to regulate the practice in the supreme court of the State of Indiana.

Was read a second time, and,

On motion by Mr. Blake;

Referred to the committee on the judiciary.

No. 329. A bill to amend section 14, of an act entitled an act for the government of the Indiana Hospital for the insane, and the cure of the insane of Indiana.

Was read a second time, and ordered to be engrossed.

No. 330. A bill to amend an act entitled an act to provide for a general system of common schools, the officers thereof and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof, approved March 5, 1855.

Was read a second time, and

Mr. Lane moved to amend as follows:

Strike out the second Monday in March, and insert the fourth.

Which was agreed to.

Mr. Lane moved to amend section eight, by striking out the third Monday of May, and insert first Monday of April.

On motion by Mr. Marvin,

The bill and pending amendment was laid on the table.

No. 331. A bill for the protection of the people against incompetency and recklessness on the part of practitioners of medicine and surgery, and of the apothecary art.

Was read a second time, and ordered to be engrossed.

No. 332. A bill to amend section two of an act, entitled an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the conditions of said grant, so as to make the bonds required of the county treasurers to correspond in amount with the amount of swamp lands in their re-

spective counties; and directing the issue of deeds from swamp lands heretofore sold in counties where the treasurers have refused or neglected to give or file the bond required by law.

Was read a second time, and ordered to be engrossed.

No. 334. A bill to prescribe the duties of county assessors in this State, so as to provide for making their lists of farm products and domestic animals, and other property every four years, and in regard to the duties of county auditors and Auditor of State in connection therewith, and to repeal all laws conflicting therewith.

Was read a second time, and

On motion by Mr. Marvin,

Referred to the committee on the judiciary.

No. 335. An act in relation to suits against railroad companies,

Was read a second time, and

On motion by Mr. Harrison,

Referred to the committee on railroads.

No. 336. An act to amend an act, entitled an act in relation to applying certain funds therein named, to the payment of the public debt, approved June 18, 1852, and for raising the rate of taxation for said purpose.

Was read a second time, and

On motion by Mr. Moore,

Referred to the committee on ways and means.

No. 339. A bill to amend the first section of an act, entitled an act providing for the election or appraisement of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto.

Was read a second time, and

On motion by Mr. Smith of Bartholomew,

Referred to the committee on county and township business.

### *Joint Resolutions on Second Reading.*

Joint resolution No. 14, authorizing and directing the superintendent of public instruction to furnish books for the institution for the deaf and dumb.

Was read a second time, and ordered to be engrossed.

Joint resolution No. 15, in regard to printing the acts of 1857 in German.

Was read a second time, and ordered to be engrossed.

Joint resolution No. 17, a joint resolution authorizing and direct-

ing the superintendent of public instruction to furnish books for the Indiana hospital for the insane.

Was read a second time, and ordered to be engrossed.

Joint resolution No. 18, on the subject of the African slave trade, and for the purposes of African colonization.

Was read a second time, and

On motion by Mr. Carnahan,

Referred to the committee on the rights and privileges of the inhabitants of this State.

Mr. Marvin, from a select committee, made the following report:

MR. SPEAKER :

The select committee, to whom was referred House bill No. 338, a bill supplemental to an act, entitled an act to provide against consequences ensuing from distinction of records, &c., approved January 12, 1852, have had the same under consideration, and have authorized me to report the same back, and recommend it to be engrossed.

Which report was concurred in, and the bill ordered to be engrossed.

By unanimous consent,

Mr. Schermerhorn offered the following resolution :

WHEREAS, The protestant episcopal church of this city is about to tear down its present house of worship, for the purpose of erection a more commodious building, and desire the use of this hall during the progress of said building upon Sundays and occasionally during week days ; be it

*Resolved*, That the use of this hall be rendered to said church during the progress of said building, when not occupied by this House ; *Provided*, That all expenses occasioned by such use shall be defrayed by said church, and all injury to the furniture of the hall, or to the building shall be paid for by said church.

Which was agreed to.

By unauimous consent,

Mr. Shuman introduced,

House bill No. 341. A bill to provide for polling the votes of a county upon a petition for a re-location of a county seat.

Which was read a first time, and passed to a second reading.

By unanimous consent,

Mr. Blake introduced,



No. 342. A bill providing for the appointment of notaries public, defining their powers and duties, and repealing former acts in relation thereto.

Which was read a first time, and passed to a second reading.

By unanimous consent,

Mr. Williams of Knox offered the following resolution :

*Resolved*, That the clerk of the House of Representatives be directed to publish in the journal of the House of Representatives a correct list of the bills and joint resolutions which have originated in the House and been passed by it ; and what bills and joint resolutions have been passed in the House of Representatives that originated in the Senate.

Which was agreed to.

By unanimous consent,

Mr. Abel introduced,

No. 343. A bill for the protection of fish.

Which was read a first time, and passed to a second reading.

By unanimous consent,

Mr Blake presented,

A petition from a farmer in Clay county, on the subject of temperance.

On motion,

Referred to a select committee on temperance, consisting of Messrs. Cullen, Smith of Bartholomew, and Larue,

By unanimous consent,

Mr. Schermerhorn introduced,

House bill No. 344. A bill to amend section 5 of an act entitled an act regulating the fees of officers and repealing former acts in relation thereto, approved March 2, 1855.

Which was read a first time, and passed to a second reading.

On motion by Mr. Schermerhorn,

House bill No. 229. A bill to provide for the redemption of the circulation of the Shawnee and Gramercy banks.

Was taken up, and

Referred to the committee on the judiciary.

Mr. Studabaker, from a committee, made the following report :

**MR SPEAKER :**

The special committee, to whom was referred House bill No. 308, an act relative to the printing, binding, and distribution of the session acts, House, Senate, and Documentary journals, declaring who shall be entitled to a copy of the same; authorizing the Secretary of State to dispose of copies of acts by sales, when called for, and allowing such Secretary a compensation for superintending such printing, binding, and distribution, have had the same under consideration, and recommend the adoption of one amendment thereto, and when so amended recommend its passage.

Amend as follows :

Strike out the word "Wabash" where it occurs in the 3rd section, and insert the word "Switzerland" in the same section.

Which report was concurred in, the amendment adopted, and the bill ordered to be engrossed.

By unanimous consent,  
Mr. Cullen introduced,

House bill No. 345. A bill to compel railroad companies to report their acts and doings to the Secretary of State, and providing penalties for neglect.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Moon introduced,

Joint resolution No. 20, in regard to printing and distributing the road laws.

Which was read a first time and passed to a second reading.

By unanimous consent,  
On motion by Mr. Carnahan,

*Resolved*, That the chairman of the select committee to whom was referred House bill No. 39, a bill for the better protection of landlords, and to facilitate the renting of lands to tenants, be required to give his reasons for not having reported said bill back to this House.

By unanimous consent,  
Mr. Wagner, from the committee on corporations, made the following report :

**MR. SPEAKER :**

The committee on corporations, to whom was referred Senate

bill No. 77, act to amend the 6th section of an act entitled an act establishing general provisions respecting corporations, approved June 15th, 1852, have had the same under consideration, and directed me to report the same back to this House, and recommend its passage.

Which report was concurred in, and

On motion,

The bill was referred to the committee on the judiciary.

By unanimous consent,

Mr. Cullen introduced,

House bill No. 346. A bill to amend an act for the incorporation of cities.

Which was read a first time and passed to a second reading.

By unanimous consent,

Mr. Lane introduced,

House bill No. 347. A bill repealing section 78 of an act defining misdemeanors, and describing punishment therefor, approved June 14, 1852.

Which was read a first time, and passed to a second reading.

By unanimous consent,

Mr. Wright introduced,

House bill No. 348. A bill for the benefit of the Ohio Falls Marine R. R. Co.

Which was read a first time, and passed to a second reading.

By unanimous consent,

Mr. Steele offered the following resolution:

*Resolved*, That no new bills, except from standing committees, will be in order or entertained in this House after Tuesday next.

Which was agreed to.

By unanimous consent,

Mr. Wagner presented,

A petition signed by sundry persons, on the subject of Canal navigation.

On motion,

Was referred to the committee on the judiciary.

Mr. Wagner, from the committee on agriculture, made the following report:

MR. SPEAKER :

The committee on agriculture, to whom was referred House bill No. 313, an act to amend the first section of an act concerning enclosures, trespassing animals and partition fences, approved June 4, 1852, direct me to report the same back to the House, and recommend that it be indefinitely postponed.

Which report was concurred in, and the bill indefinitely postponed.

By unanimous consent,  
Mr. Todd introduced,

No. 349. A bill to regulate the sale, and prescribing of patent and secret medicines and nostrums, and prescribing penalties for the violation of the provisions thereof.

Which was read a first time, and passed to a second reading.

By unanimous consent,  
Mr. Wagner introduced,

Bill No. 350. A bill supplemental to an act, entitled an act to revise, simplify and abridge the rules, practice, pleadings, and forms in civil cases, in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852, to regulate the practice before justices of the peace in cases of attachment.

Which was read a first time, and passed to a second reading.

By unanimous consent,

Mr. Conner of Wabash offered the following report from the committee on corporations:

MR. SPEAKER :

The committee on corporations, to whom was referred House bill No. 155, being an act to repeal section 711 of article 41, chapter 1, vol. 2 revised statutes of Indiana of 1852, and enacting a substitute, have had the same under consideration, and have directed me to report the same back to the House, and recommend its indefinite postponement.

Which report was concurred in and the bill indefinitely postponed.

Mr. Todd, from the committee on engrossed bills, made the following report :

**MR. SPEAKER :**

The committee on engrossed bills have examined House bill No. 279 and 300, and find them correctly engrossed.

Mr. Marvin, chairman of the committee on engrossed bills, made the following report :

**MR. SPEAKER :**

The committee on engrossed bills have examined House engrossed bills Nos. 247, 290, 253, 203, 228, 295, 337, and 286, and compared them with the original, and find them correctly engrossed.

Mr. Todd, from the committee on engrossed bills, made the following report :

**MR. SPEAKER :**

The committee on engrossed bills have examined House bills Nos. 8 and 246, and find them correctly engrossed.

On motion by Mr. Kerr,

The rules were suspended, and House bill No. 213, a bill to repeal all general laws now in force for the incorporation of cities, to prescribe their powers and rights, and the manner in which the same shall be governed,

Was taken up and read a third time, and

On motion by Mr. Kerr,

The bill was laid on the table.

On motion by Mr. Marvin,

The House adjourned.

MONDAY MORNING, 8½ o'clock, }  
 March 2d, 1857. }

The House met.

The clerk proceeded to read the journal,  
 When,

On motion by Mr. Crowe,  
 The further reading of the journal was dispensed with.

PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Bethell,

A petition signed by William R. Davis and others of the county of Warrick, in reference to the correction of an over charge of canal lands.

Which,

On motion,  
 Was referred to the committee on claims.

Mr. Kerr, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 310, entitled a bill to amend the 749th and the 759th sections of an act, entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852, have had the same under consideration, and direct me to report the same back to this House, and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Kerr, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 315, entitled a bill concerning promissory notes, bills of



exchange, bonds, or other instruments in writing, signed by any person who promises to pay money, or acknowledge money to be due, or to perform any stipulation therein mentioned, making the same negotiable by endorsement thereon, regulating recovery under the same, damages, charges, rate of exchange, days of grace, and other matters pertaining to the value, transfer, and collection of such instruments, have had the same under consideration, and direct me to report the same back to this House, and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Kerr, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred House bill No. 328, entitled a bill to regulate the practice in the supreme court of the State of Indiana, have had the same under consideration, and have directed me to report the same back to the House, and recommend its indefinite postponement, it being deemed inexpedient to enact such a law.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Kerr, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred Senate bill No. 72, entitled a bill to amend the first section of an act, entitled an act authorizing proceedings to try the right of property, seized by virtue of any writ of execution or attachment, and claimed by any person other than the execution or attachment defendant, approved June 10, 1852, with the pending amendment of the House thereto, have had the same under consideration, and direct me to report the same back to the House, with the following amendments :

*First*—Amend said bill by adding thereto the following section, to-wit :

SEC. 2. That the second section of the above entitled act, which is in the following words, to wit : “Sec. 2. A summons shall be issued and served as in other cases ; and the officer or officers, if there be more than one holding such writs of execution or attachment, together with the plaintiffs in such writs, shall be named as defendants in such summons ; but if such summons be returned that such plaintiffs in such writs of execution or attachment, or any of them, are not residents of the county, and the officer or officers

named in such summons be served, such cause may be heard without service on such non-resident parties," be and the same is hereby amended so as to read as follows, to wit: "Sec. . . . A summons shall be issued and served as in other cases; and the officer or officers, if there be more than one, holding such writs of execution or attachment, together with the plaintiffs in such writs, shall be named as defendants in such summons; but if such summons be returned that such plaintiffs in such writs of execution or attachment, or any of them, are not residents of the county, and the officer or officers named in such summons be served, such cause may be heard without service on such non-resident parties; and in all cases of attachment the sureties on the undertaking filed by the attachment plaintiff shall be liable on such undertaking for all costs which may be adjudged against the defendants on the trial of the right of property."

*Second*—Amend the title of said bill by inserting in the first line thereof, after the word "first," the words "and second."

When thus amended, the committee recommend its passage.

Which report was concurred in, the amendment adopted, and the bill ordered to be engrossed.

Mr. Conner of Wabash, from the committee on the judiciary, made the following report:

**MR. SPEAKER:**

The committee on the judiciary, to whom was referred House bill No. 334, being an act to prescribe the duties of county assessors in this State, so as to provide for making their lists of farm products and domestic animals and other property every four years, and in regard to the duties of county auditors, and Auditor of State in connection therewith, and to repeal all laws conflicting therewith, have had the same under consideration, and have directed me to report the same back to the House, and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Conner of Wabash, from the committee on the judiciary, made the following report:

**MR. SPEAKER:**

The committee, to whom was referred Senate bill No. 31, being a bill supplemental to the ninth article of an act entitled an act to revise, simplify, and abridge the rules, practice, pleadings, and forms, in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without dis-

inction between law and equity, approved June 18, 1852, have had the same under consideration, and have directed me to report the same back with the accompanying amendment, and when so amended, the said committee recommend its passage.

Amend by striking out the following words: "The second day of," found in the ninth line of the first section.

Which report was concurred in and the bill ordered to a third reading.

Mr. Connor of Wabash, from the committee on the judiciary, made the following report:

**MR. SPEAKER:**

The committee on the judiciary, to whom was referred House bill No. 322, being a bill to authorize the lessees of any railroad company in the State of Indiana, to organize under an act establishing general provisions respecting corporations, approved June 15, 1852, have had the same under consideration, and have directed me to report, that in the opinion of said committee, it would be inexpedient to confer any such power upon lessees of railroads as is contemplated in said bill. I am therefore directed to report said bill back to the House, and recommend that the same be indefinitely postponed.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Blake, from the committee on the judiciary, made the following report:

**MR. SPEAKER:**

The judiciary committee, to whom was referred Senate bill No. 68, a bill to amend the fourteenth section of an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof, have had the same under consideration, and direct me to report the same back, and recommend its passage.

Which report was concurred in, and the bill ordered to a third reading.

Mr. Conner of Wabash, from the committee on the judiciary, made the following report:

**MR. SPEAKER:**

The committee on the judiciary, to whom was referred House bill No. 266, being an act concerning license to carry on the business of stock and exchange brokers, have had the same under con-

sideration, and have directed me to report the same back to the House, and recommend that the same be indefinitely postponed.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Blake, from the judiciary committee, made the following report:

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 314, an act to authorize the formation of new counties, and to change county boundaries, have had the same under consideration, and direct me to report the same back, and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Blake, from the committee on the judiciary, made the following report.

MR. SPEAKER :

The committee on the judiciary, to whom was referred Senate bill No. 30, entitled a bill to enable the Governor, Auditor and Treasurer of State, with the advice of the Attorney General to compromise actions or causes of actions between the State and a citizen or citizens thereof, have had the same under consideration, and instruct me to report the same back to this House, and recommend its indefinite postponement, being deemed inexpedient by the committee.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Steele, from the committee on railroads, made the following report :

MR. SPEAKER :

The committee on railroads, to whom was referred House bill No. 293, a bill to prevent obstructions on railroads by hitching, driving, leading or feeding horses, cattle or other stock thereon, except as therein provided, have had the same under consideration, and have directed me to report the bill back, and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Steele, from the committee on railroads, made the following report :

MR. SPEAKER :

The committee on railroads, to whom was referred House bill No. 254, a bill to regulate the local fares of railroad companies to ensure the prompt transportation of local and way freights, and to regulate the compensation therefor, have had the same under consideration, and have directed me to report the bill back, and recommend its indefinite postponement.

Which report was concurred in, and the bill indefinitely postponed.

By unanimous consent,

The order of business was suspended and the House proceeded to the consideration of the following :

#### HOUSE BILLS ON SECOND READING.

No. 340. A bill for the relief of Calvin M. Williams, late treasurer of the county of Warrick.

Was read a second time, and

On motion by Mr. Bethell,

Referred to the committee on claims.

No. 341. A bill to provide for polling the votes of a county upon a petition for a relocation of the county seat.

Was read a second time, and

On motion by Mr. Austin,

Referred to the committee on county and township business.

No. 342. A bill providing for the appointment of notaries public, defining their powers and duties and repealing former acts in relation thereto.

Was read a second time, and

On motion by Mr. Smith of Bartholomew,

Referred to the committee on the judiciary.

No. 343. A bill for the protection of fish.

Was read a second time, and

On motion by Mr. Taggart,

Referred to a select committee of three, consisting of Messrs. Taggart, Studabaker, and Smith of Bartholomew.

On motion by Mr. Edson,

House bill No. 35. A bill amending the first section of an act providing for the election, and prescribing certain duties of county surveyors, approved June 17, 1852.

Was taken up and referred to a select committee, consisting of Messrs. Carnahan, Claypool and Larue.

No. 344. A bill to amend section five of an act, entitled an act regulating the fees of officers, and repealing former acts in relation thereto, approved March 2, 1855.

Was read a second time, and

On motion by Mr. Moore,

Was referred to the committee on claims.

No. 345. A bill to compel railroad companies to report their acts and doings to the Secretary of State, and providing penalties for neglect.

Was read a second time, and

On motion by Mr. Smith of Bartholomew,

Referred to the committee on railroads.

No. 346. A bill to amend an act for the incorporation of cities.

Was read a second time,

On motion by Mr. Smith of Bartholomew,

Referred to the committee on the judiciary.

No. 347. A bill repealing section 78 of an act defining misdemeanors, and prescribing punishment therefor, approved June 14, 1852.

Was read a second time, and

On motion by Mr. Clapp,

Referred to the committee on the judiciary.

No. 348. A bill for the benefit of the Ohio falls marine railroad.

Was read a second time, and

On motion by Mr. Moore,

Referred to the committee on the judiciary.

No. 349. A bill regulating the sale and prescribing of patent and secret medicines and nostrums, and prescribing penalties for the violation of the provisions thereof.

Was read a second time, and

On motion by Mr. Clapp,

Referred to the committee on temperance.

No. 350. A bill supplemental to an act, entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852, to regulate the practice before justices of the peace in cases of attachment.

Was read a second time, and

On motion by Mr. Moore,

Referred to the committee on the organization of courts.



## JOINT RESOLUTION ON SECOND READING.

House joint resolution No. 19. A joint resolution authorizing the Attorney General to commence suit against Elijah Newland, former Treasurer of State, in behalf of the institution for the blind.

Was read a second time, and

On motion by Mr. Moore,

Referred to the committee on claims.

Joint resolution No. 20, in regard to printing and distributing the road laws.

Was read a second time, and

Mr. Shoulders offered the following amendment :

Amend by inserting in the proper place fifty copies in the German language for each county.

Which was not agreed to, and

On motion by Mr. Moore,

Referred to the committee on roads.

The Speaker laid before the House the following communication from the president of the sinking fund :

OFFICE OF THE STATE BANK, }  
February 23, 1857. }

HON. BALLARD SMITH,

*Speaker of the House of Representatives :*

SIR :—The enclosed is an answer to a resolution adopted some days since by the House of Representatives. Please lay it before that body.

I have the honor to be

Your most obedient servant,

E. DUMONT,

*President.*

On motion by Mr. Lane,

The communication and report was laid on the table, and two hundred copies ordered to be printed.

On motion by Mr. Humphreys,

The vote taken on the indefinite postponement of House bill No. 74, a bill to amend section fifteen and eighteen of an act, entitled an act to provide for the opening, vacating and change of highways, approved June 17, 1852, and to repeal so much of said act as gives jurisdiction over highways to township trustees,

Was reconsidered, and

Mr. Humphreys offered the following amendment :

Sec. 2. And section 35, which is in the words following, to-wit: Any person may have swinging gates put on such township highways on his own land, under such regulations as such trustees shall prescribe, but in such case he shall keep the same in a condition to be opened by persons on horseback, and any person leaving any such gate open, for every such offence shall be liable to a fine of one dollar, to be recovered before a justice of the peace, shall be amended to read as follows, to-wit:

"Sec. 35. Any person may have swinging gates put on such highways on his own land, under such regulations as the board of county commissioners shall prescribe, but in such case he shall keep the same in a condition to be opened by persons on horseback, and any person leaving any such gate open, for every such offense, shall be liable to a fine of one dollar, to be recovered before any justice of the peace."

Sec. 3. And section 49, which reads in the following, to-wit: "Any person may have a private road laid out, changed, or vacated, upon presenting a petition to the trustees of the township in which such petitioner may reside, under regulations hereinbefore provided for, roads running in one township only. If such private road shall extend into more than one township, such petition shall be presented to the county board under the same regulations as is provided in case of highways running into more than one township. *Provided*, that such board of trustees may order such private road to be laid out, changed, or vacated, without any view if there be in remonstrance against such petition, shall open and keep in repair such road at his own expense. *And provided further*, that such road may be either dirt, plank, macadamized, gravel, or railroad," be amended so as to read as follows, to-wit:

"Sec. 49. Any person may have a private road laid out, changed, or vacated, upon presenting a petition to the board of commissioners of the county in which such proposed road vacation or change is situate, under the regulations hereinbefore provided for laying out, vacating, and changing highways. *Provided*, that such board may order that such private road be laid out, changed, or vacated, without any view if there be no remonstrance against such petition, and that such person shall open and keep the same in repair at his own expense, *And provided further*, that such road may be either dirt, plank, macadamized, gravel, or railroad.

Sec. 4. Inasmuch as the duties heretofore devolving on the trustees of townships, concerning laying out, changing, and vacating highways, have been transferred to the board of county commissioners, an emergency exists for the immediate taking effect of this act, and the same shall be in force from and after its publication in the Indiana State Sentinel and Indiana State Journal.

The amendments were adopted, and the bill as so amended, ordered to be engrossed.

Mr. Marvin, from the committee on elections, made the following report :

MR. SPEAKER :

The committee on elections, to whom was referred Senate bill No. 93, a bill to prevent betting on elections, and to provide punishment for the same, have had the same under consideration, and a majority of said committee have instructed me to report the same back without amendment, and recommend its passage.

Which report was concurred in, and the bill ordered to a third reading.

Mr. Blake, from the judiciary committee, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred Senate bill No. 73, a bill to provide for the disposition of real estate of aliens dying or having died intestate, or testate without heirs or devisees capable of taking such real estate by devise or descent, have had the same under consideration, and direct me to report the same back, and recommend its passage.

Which report was concurred in, and the bill ordered to a third reading.

Mr. Blake, from committee on railroads, made the following report :

MR. SPEAKER :

The committee on railroads, to whom was referred House bill No. 265, an act to amend an act entitled an act to authorize railroad companies to consolidate their stock with the stock of railroad companies in this or in adjoining States, and to connect their roads with the roads of said companies, and to authorize railroad companies to construct their roads on the routes which they may have heretofore surveyed and located, and to use and occupy the same when completed, have had the same under consideration, and direct me to report the same back, and recommend its passage.

Which report was concurred in and the bill ordered to be engrossed.

Mr. Blake, from the committee on railroads, made the following report :

MR. SPEAKER :

The committee on railroads, to whom was referred House bill No. 268, an act to amend the second section of an act entitled an act to provide compensation to the owners of animals killed or injured by the cars, locomotives, or other carriages of any railroad in this State, approved March 1, 1853, have had the same under consideration, and direct me to report the same back, and recommend its passage.

Which report was concurred in and the bill ordered to be engrossed.

#### RESOLUTIONS.

On motion by Mr. Cullen,

*Resolved*, That the committee on fees and salaries be instructed immediately to report back to this House, bill No. 278.

By unanimous consent,  
Mr. Bethel introduced,

House bill No. 351. A bill for the relief of persons who have bought canal, swamp, or other lands belonging to the State, sold at any land office.

Which was read a first time and passed to a second reading

On motion by Mr. Neff,

*Resolved*, That the committee on the organization of the courts of justice, be required to report a bill immediately, re-districting the State for judicial purposes.

On motion by Mr. Smith of Delaware,

*Resolved*, That the committee on the affairs of the town of Indianapolis be instructed to report forthwith to this House, the bill referred to that committee in reference to the sale of certain State lots, and the enlargement and improvement of the State House grounds.

Mr. Blake, from the judiciary committee, made the following report :

MR. SPEAKER :

The Judiciary committee, to whom was referred House bill No. 115, with Senate amendment, an act declaring what a seal is in contemplation of law requiring deeds of conveyance to be sealed,

and declaring the meaning of such laws, have had the same under consideration, and direct me to report that a majority of the committee are in favor of the House bill without one amendment, and recommend that the House do not concur in the amendment of the Senate.

Which report was concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

On motion by Mr. Smith of Bartholomew,

*Resolved*, That the committee on ways and means be requested to report the specific appropriation bill as early as practicable, that the members of this House may have a chance to investigate the same.

On motion by Mr. Hoagland,  
The House adjourned.

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1½ o'clock, P. M.

The House met.

By unanimous consent,  
Mr. Merrifield introduced,

House bill No. 352. A bill to amend sections 56 and 74 of an act to fix the time of holding the courts of common pleas, and the length of terms thereof, in the several counties of this State, and repealing the former laws in reference thereto, approved March 3, 1855.

Which was read a first time, and passed to a second reading.

On motion by Mr. Humphreys,  
A call of the House was ordered.

The Clerk proceeded with the call, when the following members answered to their names:

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Clapp, Clark, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crowe, Davis of Hendricks, Duncan, Early, Evans, Gordon, Hawkins, Herod, Hoagland, Humphreys, Hutchings, Kerr, Landiss, Lane, Larue, Massey, Marvin, Mercer, Merrifield, Modesitt, Moon, Moore, McDonald of Lake, McGinnis, McKinney, Neal, Neff, Price, Reese, Reyman, Robbins, Shoulders, Shuman, Slicer, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Studabaker, Taggart, Vawter, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williamson, Wright, Yater, and Mr. Speaker—72.

On motion,  
The further call of the House was suspended.

By unanimous consent,  
Mr. Kerr, from the committee on the judiciary, made the following report:

**MR. SPEAKER :**

The judiciary committee, to whom was referred House bill No. 347, being a bill repealing section 78 of an act defining misdemeanors and prescribing punishment thereof, approved June 14, 1852, have had the same under consideration, and directed me to report the same back and recommend its indefinite postponement, the committee deeming it inexpedient to repeal said section.

Which report was concurred in, and the bill indefinitely postponed.

By unanimous consent,  
Mr. Blake, from the committee on the judiciary, made the following report:

**MR. SPEAKER :**

The judiciary committee, to whom was referred House bill No. 346, being a bill to amend an act for the incorporation of cities, have had the same under consideration, and directed me to report the same back and recommend its indefinite postponement.

Which report was concurred in, and the bill indefinitely postponed.

By unanimous consent,  
Mr. Blake from the committee on the judiciary, made the following report:



MR. SPEAKER :

The judiciary committee to whom was referred House bill No. 342, being a bill providing for the appointment of notaries public, defining their powers and duties, and repealing former acts in relation thereto, have had the same under consideration, and directed me to report it back and recommend its indefinite postponement.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Kerr, chairman of the committee on the affairs of the State Prison, made the following report :

MR. SPEAKER :

The committee on the affairs of the State Prison, to whom was referred the resolution of the House directing an inquiry into the expediency of appropriating the net proceeds of the labor of the convicts confined in said prison to certain purposes therein specified, have had the same under consideration, and direct me to report the same back to this House, together with the unanimous opinion of the committee, that the application of the net proceeds of the convicts' labor in said prison, as contemplated in said resolution, would be evidently inexpedient, for the following among other reasons :

The distribution of said proceeds for the diversified purposes expressed in said resolution, would be quite impracticable, if indeed, it were not impossible, without very great additional expense to the State, or without very much complicating the system of prison government, it would open a wide door to numberless impositions, inquiries, and applications from the persons injured by convicts, all of which would result in great useless expense both to the parties and to the State.

As a matter of extreme humanity it may be insisted that that such appropriation ought to be made of the proceeds of prison labor, but on a matter of sound policy or even of justice, it certainly can not be claimed. The wages of crime are not merely the temporary forfeiture of personal liberty, but also of personal service, and the fruits thereof. The State, therefore, has the right to appropriate the proceeds of her convicts to such purposes as she may please.

A change, as proposed in said resolution in the prison government of the State, would remove from the minds of some men a strong motive against the commission of crime, because when assured that although imprisoned, that they would receive the proceeds of their labor either for themselves or their families, they would much more frequently and cheerfully take the chances and violate the law.

But when they know that the result of a conviction of crime will be an absolute and certain inability on their part, either to serve themselves or their families, they will hesitate much longer in running the risk of such a penalty. But, in conclusion, the committee may express the confident opinion that the excess of the prison labor, over the expenses of maintaining the prison government, will never be sufficient to supply from time to time the increased facilities for the confinement of prisoners, demanded by the steady increasing numbers of our convicts. We will be compelled from time to time to erect new cell-houses, work shops, and other prison buildings, and at no very distant period to establish a second penitentiary in some other part of the State. Every motive of sound policy, economy, and justice, would therefore seem to require us to husband these net proceeds for the purpose of defraying the expenses of such additional prison facilities as shall be needed from time to time, without having, as heretofore, to draw the means necessary therefor, from the earnings of honest men.

Your committee beg to be discharged from the further consideration of the subject.

Which report was concurred in.

Mr. Sherrod, chairman of the committee on ways and means, made the following report :

MR. SPEAKER :

The committee on ways and means, to whom was referred House bill No. 318, a bill to amend sections 75, 93, and 94 of an act entitled an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real estate, county treasurers and auditors, and of the Treasurer and Auditor of State, approved June 21, 1852, have had the same under consideration, and have instructed me to report the same back and recommend its indefinite postponement.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Sherrod, chairman of the committee on ways and means, made the following report :

MR. SPEAKER :

The committee on ways and means, to whom was referred the petition of John D. Stephenson, and the several orders accompanying the same, have instructed me to report the same back to the House, and recommend that the same be referred to the committee on claims.

Which report was concurred in and the petition so referred.

Mr. Sherrod, chairman of the committee on ways and means, made the following report:

MR. SPEAKER:

The committee on ways and means, to whom was referred House bill No. 302. A bill to repeal section seventy-three of an act, entitled an act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana, for the election of township assessors and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State, approved June 21, 1852, have had the same under consideration, and have instructed me to report the same back and recommend its indefinite postponement.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Larue, from the committee on ways and means, made the following report:

MR. SPEAKER:

The committee on ways and means, to whom was referred the claim of D. M. Jones and the papers accompanying the same, have had the subject under consideration, and instructed me to report the same back to the House, and recommend that the same be laid on the table, as this House has expressed an opinion adverse to such claims.

Which report was concurred in, and the claim laid on the table.

By unanimous consent,

Mr. Claypool offered the following resolution:

*Resolved*, That the committee on canals &c., be instructed to enquire into the propriety and expediency of permitting the trustees of the Wabash and Erie canal (if they deem it proper to do so) to sell the remaining unsold land in the Vincennes land district at such prices as may be considered fair and equitable either above or below the appraised value thereof, as at present regulated by law, and irrespective of the appraisement; and if said committee shall deem such measure expedient that they report a bill instant.

Which was agreed to.

By unanimous consent,

Mr. Robbins introduced

House bill No. 353. A bill to amend section 76 of an act enti-

tled an act defining misdemeanors and prescribing the punishment therefor, approved June 14, 1852.

Which was read a first time and passed to a second reading.

Mr. Kerr, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was recommitted House bill No. 215, entitled an act to amend the 91st section of an act entitled an act to establish a bank with branches, approved March 3, 1855, with instructions to enquire into the constitutionality of the same, have had the same under consideration, and a majority of said committee direct me to report the same back to the House, together with the opinion of the committee, that it is clearly constitutional for the reasons set forth in the report of this committee, which was recently submitted to the House on the subject of the constitutional power of the General Assembly to repeal the charter of the bank of the State of Indiana.

The committee beg leave further to submit, that such legislation is eminently inexpedient, and would forever necessarily be inoperative for any beneficent purpose because it is simply declaratory of the power of the General Assembly to amend the charter of said bank. If the General Assembly have such power it is surely unnecessary and a waste of time to pass this bill. But if the power to amend said charter without the consent of the corporators does not exist in the General Assembly, then it is equally clear that the passage of this bill cannot in any degree supply such power. The mere declaration by the legislature that the legislature possesses certain powers cannot create those power, and amounts to no more than a somewhat solemn expression of the opinion of the General Assembly that they do possess the powers indicated in the enactment. And in all such cases it will be the peculiar province of the courts of the State to determine whether that opinion is correct, when a proper case arises. The committee for these considerations recommend the indefinite postponement of said bill, and ask to be discharged from the further examination of the subject.

The report and the accompanying bill were laid on the table.

By unanimous consent,

Mr. Williams of Lagrange introduced

House bill No. 354. A bill to amend sections 95, 96 and 97 of an act entitled an act providing for the settlement of decedents estates, prescribing the rights, liabilities and duties of officers connected with the management thereof and the heirs thereto, and certain forms to be used in such settlement, approved June 17, 1852.

Which was read a first time and passed to a second reading.

By unanimous consent,  
Mr. Davis of Hendricks introduced

House bill No. 355. A bill to prevent the spread of hog cholera by contagion, and prescribing certain penalties in relation thereto. Which was read a first time and passed to a second reading.

On motion by Mr. Steele,

No. 236. A bill to provide for a bank department.  
Was taken up and read a third time.

Mr. Ayres moved to re-commit the bill with the following instructions :

WHEREAS, If the business of banking is of any importance to the people the duty of legislation is to secure the billholders, and to prevent a monopoly of the business so as to prevent men of small capital from engaging in that which it seems to the rich only ;  
THEREFORE, Be it enacted, that section 48 of the act of 1855 aforesaid, be amended so as to read :

Every bank and banking organized, heretofore organized under the general banking law of this State, that shall have redeemed its issues in coin since the first day of March, 1855, and shall continue to do so, shall be entitled to receive one hundred dollars of notes for circulation for every one hundred and ten dollars in value of stocks transferred to the proper authority to secure the redemption of its issues: *Provided*, Such banks and banking associations shall annually increase its securities one third of such amount as shall make its capital stock fifty thousand dollars.

Which was not agreed to.

The question being, shall the bill pass?

Mr. Herod moved a call of the previous question.

Which was second by the House.

The question being, shall the main question be now put?

It was agreed to.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Austin, Batterton, Bethell, Blake, Boyd, Brown, Clapp, Colgrove, Davis of Hendricks, Grose, Hoagland, Larue, Mercer, Merrifield, Moon, McDonald of Lake, Neal, Price, Shuman, Sloss, Steele, Whitcomb, and Williams of Lagrange—24.

*Those who voted in the negative were,*

Messrs. Adams, Allen, Ayres, Ballenger, Branham, Branson, Bryan, Clark, Claypool, Conner of Hamilton, Conner of Wabash,

Conduitt, Crowe, Denby, Duncan, Early, Edson, Gordon, Harrison, Hawkins, Herrod, Humphreys, Hutchings, Jefferis, Landiss, Lane, Massey, Marvin, Modesitt, Moore, McDaniel, McGinnis, McKinney, Neff, Reyman, Shoulders, Slicer, Smith of Bartholomew, Smith of Delaware, Stillwell, Stone, Studabaker, Taggart, Trippet, Van Sandt, Vawter, Wallace, Ward, Wiley, Williams of Knox, Williamson, Wright, Yater, and Mr. Speaker—55.

So the bill did not pass.

On motion by Mr. Edson,  
Leave of absence was granted Mr. Carnahan.

On motion by Mr. McDonald of Lake,

No. 242. A bill to enable the different counties in the State having a swamp land fund, to ascertain and use the amount thereof for the purpose of ditching the swamp lands therein.

Was taken up and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Ballenger, Batterton, Bethell, Blake, Boyd, Branham, Branson, Brown, Bryan, Clapp, Clark, Colgrove, Conner of Hamilton, Conduitt, Crowe, Davis of Hendricks, Denby, Duncan, Early, Edson, Evans, Gordon, Harrison, Hawkins, Herod, Hoagland, Humphreys, Hutchings, Kerr, Landiss, Lane, Larue, Mercer, Merrifield, Modesitt, Moon, McDaniel McDonald of Lake, McGinnis, McKinney, Neal, Neff, Price, Reese, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Stone, Studabaker, Taggart, Trippet, Van Sandt, Vawter, Wagner, Wallace, Ward, Whitcomb, Williams of Knox, Williams of Lagrange, Williamson, Wright, Yater, and Mr. Speaker—74.

*Those who voted in the negative were,*

Messrs. Ayres, Bowman, Grose, Marvin, Moore, Shuman, and Wiley—7

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

On motion by Mr. Kerr,  
Leave of absence was granted to Mr. Gordon.

Mr. Gordon, from the committee on the affairs of the town of Indianapolis, made the following report:



MR. SPEAKER ;

The committee on the affairs of the town of Indianapolis, to whom was referred resolution instructing them to report forthwith to this House the bill referred to that committee, in reference to the sale of certain State lots, and the enlargement and improvement of the State house grounds, have had the same before them, and report that no such bill was ever referred to them ; they therefore ask that they be discharged from the further consideration thereof.

Which report was concurred in.

Mr. Taggart offered the following resolution :

*Resolved*, That the committee on ways and means be instructed, and they are hereby authorized and empowered, and it is hereby made their duty in making out the specific appropriation bill, to call upon the dooekeeper of this House to testify before the committee to the number of assistants employed under him, the name of each, the time spent and the kind of labor performed by each of them, and that said committee is hereby instructed to make a similar demand upon the principal clerk of this House, and the chairman of the different committees for the number of clerks under their employment and the time spent by each of them.

Which was not agreed to.

On motion by Mr. Blake,

House bill No. 194 A bill to amend sections 64, 65, 66, 67, 70, 71, 72 and 73 of an act entitled an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, appraisers of real property, county treasurers and auditors, and of the Auditor and Treasurer of State, approved June 21, 1852, so as to abolish the office of township assessors, and to provide for the election of county assessors.

Was taken up and read a third time.

Mr. Studabaker moved to re-commit the bill with the following instructions:

Amend so it will take effect at the expiration of the term of office of the present incumbent.

Mr. Williams of Knox moved to lay the bill and pending instructions on the table.

The ayes and noes were demanded by Messrs. Williams of Knox and Colgrove.

*Those who voted in the affirmative were,*

Messrs. Adams, Austin, Ayres, Batterton, Branson, Clapp, Clark, Conner of Wabash, Conduitt, Davis of Hendricks, Duncan, Early, Grose, Hawkins, Lane, Massey, Marvin, Mercer, Merrifield, Modesitt, Moore, McKinney, Price, Reyman, Robbins, Shuman, Smith of Delaware, Studabaker, Van Sandt, Wagner, Wallace, Williams of Knox, and Williams of Lagrange—33.

*Those who voted in the negative were,*

Messrs. Abel, Allen, Bethell, Blake, Bowman, Boyd, Branham, Brown, Bryan, Claypool, Colgrove, Conner of Hamilton, Crowe, Cullen, Denby, Edson, Evans, Harrison, Herod, Hoagland, Humphreys, Hutchings, Kerr, Landiss, Larue, Moon, McDaniel, McDonald of Lake, McGinnis, Neal, Neff, Reese, Schermerhorn, Sherrod, Shoulders, Slicer, Sloss, Smith of Bartholomew, Steele, Stillwell, Stone, Taggart, Todd, Vawter, Ward, Whitcomb, Wiley, Williamson, Wright, Yater, and Mr. Speaker—51.

So the bill and pending instructions were not laid on the table.

The question then being on re-committing the bill.

The ayes and noes were demanded by Messrs Studabaker and Clapp.

*Those who voted in the affirmative were,*

Messrs. Allen, Austin, Boyd, Branson, Clapp, Clark, Conner of Wabash, Conduitt, Duncan, Early, Grose, Hawkins, Hoagland, Humphreys, Landiss, Lane, Massey, Marvin, Mercer, Merrifield, Modesitt, Moore, Neal, Price, Robbins, Sherrod, Shoulders, Sloss, Smith of Delaware, Stillwell, Stone, Studabaker, Van Sandt, Wagner, Wallace, Williams of Knox, Williams of Lagrange, Yater, and Mr. Speaker—39.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Ayres, Ballenger, Bethell, Blake, Bowman, Branson, Brown, Bryan, Claypool, Colgrove, Conner of Hamilton, Crowe, Cullen, Davis of Hendricks, Denby, Edson, Evans, Harrison, Herod, Hutchings, Kerr, Larue, Moon, McDaniel, McDonald of Lake, McGinnis, McKinney, Neff, Reese, Reyman, Schermerhorn, Slicer, Smith of Bartholomew, Taggart, Todd, Tippet, Vawter, Ward, Whitcomb, Wiley, Williamson, and Wright—44.

So the bill was not recommitted.

Mr. Blake moved to re-commit to a select committee of three, with instructions to strike out the word "seven" in the first section and insert the word "eight," so that the law will go into effect in the year 1858 in October.

Which was not agreed to.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Blake, Bowman, Boyd, Branham, Brown, Bryan, Claypool, Colgrove, Conner of Hamilton, Cullen, Crowe, Denby, Edson, Harrison, Herod, Hutchings, Kerr, Larue, Moon, McDaniel, McDonald of Lake, Neff, Reese, Schermerhorn, Sherrod, Slicer, Smith of Bartholomew, Steele, Stillwell, Taggart, Vawter, Ward, Wiley, Williamson, Yater, and Mr. Speaker—37.

*Those who voted in the negative were,*

Messrs. Adams, Allen, Austin, Ayres, Ballenger, Batterton, Branson, Clapp, Clark, Conner of Wabash, Conduitt, Davis of Hendricks, Duncan, Early, Evans, Grose, Hawkins, Hoagland, Humphreys, Landiss, Lane, Massey, Marvin, Mercer, Merrifield, Modesitt, Moore, McKinney, Neal, Price, Reyman, Robbins, Shoulders, Shuman, Sloss, Smith of Delaware, Stone, Studabaker, Trippet, Van Sandt, Wagner, Wallace, Williams of Knox, Williams of Lagrange, and Wight—45.

So the bill did not pass.

On motion by Mr. Kerr,

House bill No. 213. A bill to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same.

Was taken from the table.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Ayres, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Crowe, Cullen, Davis of Hendricks, Denby, Evans, Grose, Hoagland, Humphreys, Hutchings, Kerr, Lane, Larue, Marvin, Modesitt, Moon, McDaniel, McDonald of Lake, Neff, Price, Reese, Robbins, Schermerhorn, Sherrod, Shoulders, Shuman, Sloss, Smith of Bartholomew, Stillwell, Stone, Studabaker, Todd, Van Sandt, Wagner, Wallace,

Ward, Wiley, Williams of Lagrange, Williamson, Wright, Yater, and Mr. Speaker—58.

*Those who voted in the negative were,*

Messrs. Ballenger, Clark, Conduitt, Duncan, Early, Edson, Hawkins, Herod, Merrifield, Moore, McGinnis, McKinney, Neal, Reymann, Slicer, Taggart, Trippet, Whitcomb, and Williams of Knox—19.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

On motion by Mr. Denby,

House bill No. 222. A bill to appropriate the sum of \$354 85 to pay the claims of the city of Evansville against the State of Indiana, for the amount paid by said city on account of arms, ammunition and provisions, furnished the force called out by the Governor to protect the works and structures of the Wabash and Erie canal in the month of June, 1856.

Was taken up and read a third time,

The question being, shall the bill pass?

Mr. Moore moved to indefinitely postpone the bill.

The ayes and noes were demanded by Messrs. Duncan and Moore.

*Those who voted in the affirmative were,*

Messrs. Adams, Allen, Ayres, Ballenger, Batterton, Boyd, Clapp, Clark, Colgrove, Conner of Hamilton, Conduitt, Duncan, Evans, Herod, Larue, Mercer, Modesitt, Moore, McKinney, Neal, Reymann, Shuman, Sloss, Smith of Delaware, Stone, Todd, Van Sandt, Williams of Lagrange, and Yater—29.

*Those who voted in the negative were,*

Messrs. Abel, Bethell, Blake, Bowman, Branham, Branson, Brown, Crowe, Cullen, Davis of Hendricks, Denby, Early, Edson, Harrison, Hawkins, Hoagland, Humphreys, Hutchings, Kerr, Landiss, Lane, Massey, Marvin, Merrifield, Moon, McDaniel, McDonald of Lake, Neff, Price, Reese, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Steele, Stillwell, Studabaker, Taggart, Trippet, Vawter, Wagner, Wallace, Ward, Whitcomb, Wiley, Williamson, and Mr. Speaker—49.

So the bill was not indefinitely postponed,

H. J.—61.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Bethell, Blake, Branham, Branson, Brown, Crowe, Cullen, Denby, Early, Edson, Harrison, Hoagland, Hutchings, Kerr, Landiss, Lane, Marvin, Merrifield, Moon, McDaniel, McDonald of Lake, Neff, Reese, Reyman, Robbins, Sherrod, Shoulders, Slicer, Steele, Studabaker, Taggart, Vawter, Wagner, Wallace, Ward, Wiley, Williamson, and Mr. Speaker—39.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Batterton, Boyd, Clapp, Clark, Colgrove Conduitt, Davis of Hendricks, Duncan, Evans, Hawkins, Herod, Humphreys, Larue, Mercer, Modesitt, Moore, McKinney, Neal, Shuman, Sloss, Smith of Bartholomew, Smith of Delaware, Stillwell, Stone, Taggart, Van Sandt, Whitcomb, Williams of Lagrange and Yater,—23.

So the bill did not pass for want of a constitutional majority.

By unanimous consent,  
Mr. Shuman introduced,

No. 356. A bill to authorize a supply of the revised statutes to the several counties of this State for sale.

Which was read a first time and passed to a second reading.

On motion by Mr. Neal,  
The House adjourned.

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TUESDAY MORNING, 8½ O'CLOCK, }  
March 3rd, 1857. }

The House met.

The clerk proceeded to read the journal.

When,

On motion by Mr. Humphreys,  
The further reading of the journal was dispensed with.

## PETITIONS, MEMORIALS, AND REMONSTRANCES.

By Mr. Herod,

Sundry petitions in reference to the school laws.

Which,

On motion,

Referred to the committee on education.

## REPORTS FROM COMMITTEES.

Mr. Blake, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 230, being a bill to amend the second section of an act entitled an act to provide for the re-location of county seats, and for the erection of publicbuildings in counties in cases of such re-location, approved March 2, 1855, and to provtde for the relief of property holders in towns from which county seats may be removed, have had the same under consideration, and directed me to report the same back and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed

Mr. Studabaker, from the committee on the judiciary, made the following report :

MR SPEAKER :

The committee on the judiciary, to whom was referred Senate bill No. 13, being a bill to amend the 6th, 7th, and 18th sections of an act regulating the granting of divorces, nullification of marriages, decrees and orders of court incident thereto, have had the same under consideration, and directed me to report the same back and recommend that it be laid on the table for the present.

Which report was concurred in, and the bill laid on the table.

Mr. Conner of Wabash, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 348, being a bill for the benefit of the Ohio Falls Marine Railroad company, have had the same under consideration, and directed me



to report the same back and recommend its indefinite postponement.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Denby, from the committee on corporations, made the following report:

**MR. SPEAKER :**

The committee on corporations, to whom was referred House bill No. 319, a bill to cure erroneous defects and irregularities in the organization of railroad companies, &c., have had the same under consideration, and instructed me to recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Denby, from the committee on corporations, made the following report:

**MR. SPEAKER :**

The committee on corporations, to whom was referred House bill No. 204, an act in relation to the subscription to the stock of any contemplated railroad before the formation of the corporations, the effect thereof, and how the same may be enforced, and hereby recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Steele from the committee on railroads, made the following report:

**MR. SPEAKER :**

The committee on railroads, to whom was referred House bill No. 345, an act to compel railroad companies to report their acts and doings to the Secretary of State and providing penalties for neglect, have had the same under consideration, and have directed me to report the bill back and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

A message from the Senate by Mr. Harvey, their Secretary.

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives that the Senate have concurred in the engrossed amendments of the House to bill of the Senate,

No. 102. A bill to amend section 25 of an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the conditions of said grant, approved May 29,

1852, and also to facilitate the ditching and draining of swamp lands and to provide for the payment therefor in certain cases therein mentioned.

A message from the Senate by Mr. Harvey, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate insist upon the first engrossed amendment of the Senate to

House bill No. 84. A bill to amend the 31st section of an act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties, approved June 11, 1852.

And that Senators Tarkington, March and Weir, are appointed a committee of free conference on the part of the Senate, to confer with the committee appointed on the part of the House of Representatives, in regard to such disagreement.

A message from the Senate by Mr. Harvey, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills thereof, viz:

No. 333. A bill to authorize the Treasurer of State to buy for the State, lands sold on execution or by order of courts and to sell the same and execute deeds therefor, and to legalize purchases and sales already made in similar cases, without amendment.

Mr. Marvin, from the committee on engrossed bills made the following report:

MR. SPEAKER:

The committee on engrossed bills, to whom was referred House bills No. 336 and 345, and joint resolution No. 18, have compared them with the original and find them correctly engrossed.

Mr. Marvin, chairman of the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have compared House bill No. 316 with the original bill, and find it correctly engrossed.

Mr. Todd, from the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills have examined and compared House bills No. 314, 265, and 273, and find them correctly engrossed.

Mr. Marvin, from the committee on engrossed bills made the following report :

MR. SPEAKER :

The committee on engrossed bills have compared House bills No. 74, 315, and 268, with the original bills, and find them correctly engrossed.

Mr. Marvin, chairman of the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills have compared House bill No. 357, with the original bill, and find it correctly engrossed.

Mr. Studabaker, from the committee on the rights and privileges of the inhabitants of the State, made the following report :

MR. SPEAKER :

The committee on the rights and privileges of the inhabitants of the State, to whom was referred joint resolution No. 18, on the subject of the African slave trade, and for purposes of African colonization, have had the same under consideration, and have directed me to report the same back and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Davis of Hendricks, from the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills have compared House bills No. 324 and 306, with the engrossed bill, and find them correctly engrossed.

Mr. Williams of Knox, from the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills have examined bills No. 325, 331, and 338, and find them correctly engrossed.

Mr. Todd, from the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills have examined House bills No. 327, 332, 329, 334, and 308, and House joint resolutions No. 14, 15, and 17; also amendments of the House to Senate bill No. 31, and find them correctly engrossed.

Mr. Moore, from a select committee, made the following report :

MR. SPEAKER :

The select committee, to whom was referred a resolution directing an enquiry into the expediency of abolishing the grand jury system, have had the same under consideration, and in reply thereto, have directed me to report the accompanying bill, and to recommend its passage.

No. 357. A bill to repeal an act entitled an act to limit the number of grand jurors, and to point out the mode of their selection, defining their jurisdiction, and repealing all laws inconsistent therewith, also to transfer the powers and duties of grand juries to justices of the peace.

Which was read a first time, and passed to a second reading.

Mr. Grose, from a select committee made the following report :

MR. SPEAKER :

The select committee, to whom was referred House bill No. 296, a bill to authorize the record of deeds where in certain cases they have been recorded in wrong county, or a transcript therefor duly certified or proved, to be read in evidence; have had the same under consideration, and have directed me to report that the passage of the Senate bill No. 130, upon same subject, superceeds the necessity for the passage of said house bill, they therefore report the same back to the House, and recommend that it be laid on the table.

Which report was concurred in, and the bill laid on the table.

Mr. Grose, from a select committee, made the following report :

MR. SPEAKER :

The chairman of the select committee, to whom was referred House bill No. 39. A bill for the better protection of landlords, and to facilitate the renting of lands by tenants, in obedience to a resolution of the House requiring him to give his reasons for not having reported the same back, reports as his reasons, that said bill came to his hands, and was duly amended according to the instructions of the House, and upon the request of the honorable member of Hancock, also a member of said committee, the bill was handed to him by the chairman ; that the chairman has since been informed by the member from Hancock, that the bill has been mislaid and was lost. Hence he has been unable to obtain or report the same to the House.

The chairman would, therefore, recommend that the mover of the resolution of enquiry, who is also a member of the committee, be requested to confer with the member from Hancock, and if the lost can be found, that the same be reported back to the House with a recommendation that it be indefinitely postponed.

Mr. Taggart, from a select committee, made the following report :

MR. SPEAKER :

The select committee, to whom was referred House bill No. 343, a bill for the protection of fish, have had the same under consideration, and have directed me to report that such legislation is inexpedient, and they would recommend that the same be indefinitely postponed.

Which report was concurred in, and the bill indefinitely postponed.

#### RESOLUTIONS.

On motion by Mr. Moore,

*Resolved*, That the special committee, to whom was referred House bill No. 30, being a bill for the better protection of landlords, and to facilitate the renting of lands to tenants, be instructed to report the same back immediately, for the further consideration of the House.

On motion by Mr. Neal,

*Resolved*, That the committee on the contested election of Leonidas Sexton of Rush county, Indiana, be requested and instructed to report to this House by the 6th day of March, 1857, the number of illegal votes that have been illegally and fraudulently

given in favor of said Sexton at the October election in 1856; also, whether there were any illegal votes given for his opponent.

Mr. Wright offered the following resolution :

*Resolved*, That there shall be twenty-four hundred copies of Washington's farewell address printed, sixteen hundred in English and eight hundred in the German language, for the use of the members of this House, enveloped and stamped ready for mailing, and a distributive share eight in the German language and sixteen in the English be laid on each member's desk.

The question being on the adoption of the resolution.

The ayes and noes were demanded by Messrs. Merrifield and Brown.

*Those who voted in the affirmative were,*

Messrs. Allen, Blake, Bowman, Branson, Brown, Conner of Wabash, Crawford, Cullen, Davis of Sullivan, Douglass, Early, Edson, Evans, Harrison, Hayden, Herod, Hoagland, Humphreys, Lane, Larue, Massey, Merrifield, Moore, McDaniel, McDonald of Lake, McGinnis, McKinney, Neff, Reese, Reyman, Sherrod, Shoulders, Shuman, Slicer, Smith of Bartholomew, Studabaker, Trippet, Wallace, Williams of Knox, Williamson, Wright, and Mr. Speaker—42.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Austin, Ayres, Ballenger, Bethell, Boyd, Branham, Bryan, Clapp, Clark, Conner of Hamilton, Crowe, Denby, Dobbins, Duncan, Grose, Hawkins, Hutchings, Kerr, Landiss, Marvin, Mercer, Modesitt, Moon, Neal, Price, Sloss, Smith of Delaware, Steele, Stillwell, Stone, Taggart, Van Sandt, Vawter, Whitcomb, Wiley, and Williams of Lagrange.—38.

So the resolution was adopted.

On motion by Mr. Herod,

*Resolved*, That the committee on ways and means be instructed to insert in the bill making special appropriations, provision for the payment of witnesses who have been summoned and have attended before the committee on elections of the House, allowing the usual fees for attendance on circuit courts, and allowing to the sergrant at arms the usual fees of sheriff's, the same to be certified by the chairman and attested by the clerk of said committee.



Mr. Conner of Wabash moved to reconsider the vote taken on the passage of House bill No. 194. A bill to amend sections 64, 65, 66, 67, 70, 71, 72 and 73 of an act entitled an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State, approved June 21, 1852, so as to abolish the office of township assessors, and to provide for the election of county assessors.

On motion by Mr. Williams of Knox,  
The motion to reconsider was laid on the table.

Mr. Colgrove introduced

Joint resolution No. 21, for the relief of Henry P. Rowen, swamp land treasurer of Pulaski county.

Which was read a first time.

Mr. Colgrove moved to suspend the rules and read the joint resolution a second time by its title now.

The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Abel, Austin, Ballenger, Batterton, Blake, Bowman, Branham, Branson, Brown, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Cullen, Davis of Sullivan, Denby, Duncan, Evans, Harrison, Hawkins, Hayden, Humphreys, Marvin, Mercer, Merrifield, Modesitt, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neal, Price, Reese, Schermerhorn, Shuman, Slicer, Sloss, Steele, Stillwell, Stone, Studabaker, Trippet, Van Sandt, Vawter, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williamson, and Mr. Speaker—53.

*Those who voted in the negative were,*

Messrs. Adams, Bethell, Boyd, Bryan, Clark, Conduitt, Crowe, Douglass, Early, Edson, Herod, Massey, Moore, Neff, Reyman, Shoulders, and Smith of Bartholomew—17.

So the rules were suspended and the joint resolution read a second time by its title, and

On motion of Mr. Conner of Wabash,  
Referred to the committee on the judiciary.

On motion by Mr. Merrifield,  
The order of business was suspended and House bill No. 352,

a bill to amend section 56 and 74 of an act to fix the time of holding the courts of common pleas, and the length of the terms thereof in the several counties of this State, and repealing the former laws in reference thereto, approved March 3, 1855.

Was taken up and read a second time, and

On motion by Mr. Merrifield,

Referred to a select committee consisting of Messrs. Merrifield, Brown and McDonald of Lake.

#### BILLS INTRODUCED.

By Mr. Ballenger,

No. 358. A bill to amend the 5th and 6th sections of an act entitled an act for the more uniform mode of doing township business, approved May 6, 1852.

Which was read a first time and passed to a second reading.

By unanimous consent,

Mr. Schermerhorn, from the committee on ways and means, made the following report:

MR. SPEAKER:

The committee on ways and means, to whom was referred House bill No. 336. A bill to amend an act entitled an act in relation to applying certain funds therein named to the payment of the public debt, approved June 18, 1852, for raising the rate of taxation for said purposes, have had the same under consideration, and have instructed me to report the same back to the House and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Steele, from the committee on railroads, made the following report:

MR. SPEAKER:

The committee on railroads, to whom was referred House bill No. 252. A bill to authorize the common council of any incorporated city or town to prescribe by ordinance the rate of speed at which locomotives and cars may be run through such cities and towns, have had the same under consideration, and have directed me to report it back to the House and recommend its indefinite postponement.

Which report was concurred in and the bill indefinitely postponed.

By unanimous consent,  
Mr. Shuman offered the following resolution:

*Resolved*, That it is hereby made the duty of the clerk of this House to transmit to the members of this House, at their several postoffices, all reports and other matter by them ordered to be printed for the use of their constituents, and remaining unprinted at the close of the present session of the legislature in the proportion of one hundredth part for each member. In attending to this duty the clerk of the house is authorized to procure stamps for the same, and stamp the same. The treasurer of State is hereby directed to supply the amount so required to purchase said stamps.

Which was agreed to.

On motion by Mr. Kerr,

House bill No. 287. A bill to provide for the better protection of the rights and interests of the inhabitants of the town of Clarksville, and to repeal an act therein named.

Was taken up and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Ayres, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Sullivan, Denby, Dobbi s, Douglass, Duncan, Early, Edson, Evans, Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Hutchings, Kerr, Landiss, Lane, Lewis, Massey, Mercer, Merrineld, Modesitt, Moore, McDaniel, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neal, Neff, Price, Reese, Reyman, Robbins, Schermerhorn, Shuman, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Stone, Studabaker, Trippet, Van Sandt, Vawter, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Wright, and Mr. Speaker—77.

Mr. Humphreys voted in the negative.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

On motion by Mr. Schermerhorn,

House bill No. 279, a bill to amend sections 75, 80, 93, 94, 96, 100, 123, 124, 143, 202, and to repeal section 119 of an act enti-

tled an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and auditor of State, approved June 21, 1852.

Was taken up, and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ballenger, Blake, Boyd, Brown, Conner of Hamilton, Crawford, Hayden, Hoagland, Larue, Mercer, Moon, McDaniel, McDonald of Lake, Schermerhorn, Shuman, Wiley, and Williams of Lagrange—17.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Bethell, Bowman, Branham, Branson, Bryan, Clapp, Clark, Colgrove, Conner of Wabash, Conduitt, Crowe, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Evans, Harrison, Herod, Kerr, Landiss, Massey, Marvin, Modesitt, Moore, McKinney, Neal, Neff, Price, Reese, Reyman, Robbins, Shoulders, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Studabaker, Taggart, Trippet, VanSandt, Vawter, Wagner, Wallace, Ward, Whitcomb, Williamson, Wright, and Mr. Speaker—67.

So the bill did not pass.

On motion by Mr. McDaniel,

No. 228, a bill to amend the 83d section of an act entitled an act making specific appropriations for the year 1855.

Was taken up and

Referred to the committee on ways and means with the following instructions:

That the committee on ways and means make the allowance of the provisions of the bill in the specific appropriation bill.

On motion by Mr. Denby,

House bill No. 295. A bill to amend section one of an act entitled an act for the incorporation of manufacturing and mining companies and companies for mechanical, chemical and building purposes, approved May 20, 1852.

Was taken up and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Ayres, Ballenger, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Clapp, Clark, Colgrove, Conner of Wabash, Conduitt, Crawford, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Evans, Harrison, Hoagland, Humphreys, Hutchings, Lane, Larue, Massey, Marvin, Mercer, Merrifield, Modesitt, Moon, McDaniel, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neal, Price, Reese, Robbins, Schermerhorn, Shoulders, Shuman, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Studabaker, Taggart, Trippet, Van Sandt, Vawter, Wagner, Wallace, Ward, Whitcomb, Williamson, and Mr. Speaker.—66.

*Those who voted in the negative were,*

Messrs. Conduitt, Grose, Hayden, Herod, Kerr, Moore, Slicer, Wiley, Williams of Knox, Williams of Lagrange, and Wright—11.

So the bill passed.

*Ordered*, That the clerk inform the Senate thereof.

On motion by Mr. Lane.

Mr. Cullen was added to the select committee on House bill No. 316.

On motion by Mr. McDonald of Lake,

House bill No. 199. A bill to authorize the State of Illinois to maintain the Calumet feeder dam, and securing the use of the waters of the Calumet river, and providing the manner of assessing damages sustained by the citizens of Indiana by the erection thereof, and regulating the draining of swamp lands adjacent to the Calumet river in the State of Indiana.

Was taken up and read a second time.

The question being, shall the bill pass?

Mr. Cullen moved a call of the previous question.

Which motion was seconded by the House.

The question being, shall the main question be now put?  
It was agreed to.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Austin, Ayres, Batterton, Blake, Branson, Brown, Bryan, Clapp, Colgrove, Conner of Wabash, Crowe, Cullen, Denby, Dobbins, Douglass, Duncan, Early, Evans, Hayden, Herod, Hoagland, Hutchings, Kerr, Landiss, Larue, Modesitt, Moon, Moore, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Reese, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Delaware, Steele, Stillwell, Stone, Studabaker, Taggart, Todd, Trippet, Wallace, Williams of Knox, and Williams of Lagrange—53.

*Those who voted in the negative were,*

Messrs. Adams, Ballenger, Bethell, Bowman, Claypool, Conduitt, Crawford, Davis of Hendricks, Edson, Grose, Hawkins, Humphreys, Massey, Mercer, Merrifield, Neal, Price, Shuman, Sloss, Smith of Bartholomew, Van Sandt, Vawter, Wagner, Ward, Whitcomb, Wiley, Williamson, and Mr. Speaker—28.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

On motion by Mr. Conner of Wabash,  
The House adjourned.

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1½ O'CLOCK P. M.

The House met.

On motion by Mr. Studabaker,

House bill No. 308. A bill relative to the printing, binding, and distribution of the session acts, House, Senate, and documentary journals, declaring who shall be entitled to a copy of the same, authorizing the Secretary of State to dispose of copies of acts by sale, when called for, and allowing such secretary a compensation for superintending such printing, binding, and distribution.

Was taken up and read a third time, and

On motion by Mr. Williams of Lagrange,  
The bill was laid on the table.



On motion by Mr. Conner of Wabash,

House bill No. 209. A bill to amend the 655th section of article 37 of an act entitled, an act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases, in the courts of this State; to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity.

Was taken from the table, and ordered to be engrossed.

By unanimous consent,  
Mr. Williams of Knox introduced,

No. 359. A bill to amend section 7 of an act entitled an act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie Canal to Evansville, approved June 19, 1846. and to appoint and elect a trustee on the part of the State for the Wabash and Erie Canal.

Which was read a first time.

Mr. Williams of Knox moved to suspend the rules and read the bill a second time by its title now.

The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Ballenger, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Carnahan, Clark, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early Edson, Evans, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Kerr, Landiss, Lane, Larue, Lewis, Massey, Marvin, Mercer, Moon, Moore, McDonald of Lake, McKinney, Reyman, Shoulders, Shuman, Slicer, Smith of Bartholomew, Smith of Delaware, Steele, Studabaker, Taggart, Todd, Trippet, Van Sandt, Wallace, Wiley, Williams of Knox, Williamson, Wright, Yater, and Mr. Speaker—64.

*Those who voted in the negative were,*

Messrs. Neal, Price, and Whitcomb—3.

So the rules were suspended, and the bill read a second time by its title, and ordered to be engrossed.

Mr. Davis of Sullivan, from the committee on free conference, made the following report.

MR. SPEAKER :

The committee of free conference, appointed to take into consideration the disagreeing vote of the Houses upon the first amendment of the Senate to House bill No. 84, a bill to amend the 31st section of an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved June 11, 1852; have had the same under consideration, and direct me to report that the words "the for," lie be inserted after the word "that," in the first line of said amendment.

Which report was concurred in.

Mr. Studabaker, from a select committee, made the following report:

MR. SPEAKER :

The select committee, to whom was referred Senate bill No. 28, a bill to enable assignees of school land certificates to obtain deeds when the assignment has not been acknowledged, have had the same under consideration, and recommend the adoption of one amendment thereto, herewith reported, and when so amended recommend its passage.

Amend by adding to the 1st section of said bill the following:

*Provided*, That the provisions of this act shall only apply to transfers heretofore made in good faith and without fraud.

Which report was concurred in, the amendment adopted, and the bill ordered to a third reading.

On motion by Mr. Abel,

House bill No. 210. A bill to amend the 26th section of an act entitled an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judge thereof, approved May 14, 1852.

Was taken up, and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Clark, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Evans, Grose, Harrison, Hawkins, Hayden, Hoagland, Humphreys, Kerr, Landiss, Lane, Marvin, Merrifield, Modesitt, Moon,

Moore, McDonald of Lake, McGinnis, McKinney, Neal, Neff, Price, Reese, Reyman, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Todd, Trippet, Van Sandt, Wagner, Wallace, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Wright, Yater, and Mr. Speaker—74.

*Those who voted in the negative were,*

Messrs. Larue, Mercer, Ricketts, Robbins, Studabaker, and Taggart—6.

So the bill passed.

*Ordered,* That the clerk inform the Senate thereof.

On motion by Mr. Steele,

No. 98. A bill to empower railroad companies organized under the general laws of the State to surrender their franchises, pay their liabilities, distribute their assets and dissolve the corporation, Was taken up and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Colgrove, Conner of Hamilton, Conduitt, Crawford, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Evans, Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Kerr, Landiss, Lane, Larue, Massey, Marvin, Mercer, Merrifield, Modesitt, Moon, Moore, McDaniel, McDonald of Lake, McGinnis, McKinney, Neal, Neff, Price, Reese, Reyman, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stone, Studabaker, Taggart, Todd, Trippet, Van Sandt, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Wright, Yater, and Mr. Speaker—80.

Mr. Conner of Wabash voting in the negative.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

Mr. Lane from a select committee, made the following report:

MR. SPEAKER :

The special committee, to whom was referred House bill No. 316, being a bill repealing an act to establish a bank with branches, approved March 3, 1855, have had the same under consideration, and respectfully submit the following report :

Your committee do not assume to be learned in the law, or skilled in the arrangement of words, but as plain men, will present plain facts in their own style and language.

Your committee have considered the subject in the following order :

*First*—That the last legislature passed the law without the question having been first considered by the people, or their wishes known.

*Second*—That the charter was passed by unparalleled means, if not by open bribery and corruption.

*Third*—That it is a well known fact, that the stock was parcelled out in advance, to men unable to pay the same, and those, too, who were not bankers and never intended to engage in the business.

*Fourth*—That the stock was subscribed in an unprecedented manner—making invidious distinctions where all should have had an equal opportunity.

*Fifth*—Did the people demand the establishment of such a bank, or was it necessary for the interest of the State ?

*Sixth*—Is the charter in all its provisions constitutional ?

*Seventh*—Is it the duty of this legislature to recognize it, or directly or indirectly legalize the same ?

*Eighth*—If not, and the charges are true in relation to the passage of the charter—the manner of subscribing its stock, and many other well known facts calculated to destroy the confidence of the people in such an institution—is it not the duty of the legislature to give notice that the contract is annulled on the part of the State ?

*Ninth*—Has the legislature the right to repeal said charter ?

To sustain the first proposition—that the last legislature passed the law without the question having been first considered by the people—it is only necessary to remind the members of the elections in 1854, when a certain local question overrode all others, and brought upon the surface new and untried men, who, if they thought of this bank question, did not moot it before the people. But this alone should not be considered sufficient cause of objection to their acts, yet on all important subjects, it is due to a confiding constituency, to consult their wishes and take counsel by their advice, except in extreme cases, when questions arise requiring immediate action. But no such reason could be given for this. The fact is only referred to as being one of the causes for the various rumors afloat at the time it was under consideration, and

from facts that have developed themselves since, confirming the first impressions, and locating a deep seated prejudice in the minds of the people, that must operate to the injury of the institution. And as an evidence of that sentiment with the people, and as a comment upon their unprecedented course, it is only necessary to look over this hall and enquire how many of those who voted for the charter have been returned.

*Second*—As to the manner in which it was passed through the legislature. We know that it may be said that the journal of the proceedings show that it was fairly done. And so it might be said in reference to an important transaction that took place a few years since in Louisville, Ky., when a man in the light of day—in presence of numerous witnesses, shot his fellow. Yet a jury of twelve men—by influences that could not be shown—cleared him, and feed lawyers found words to arrange lengthy and plausible arguments in favor of the willful and notorious murderer; and the records of the court may be pointed to, to show that he was not guilty. Yet a jury, composed of millions of his peers, has convicted and condemned him to a more ignominious death than that of hanging by the neck.

It is true, the journals may show a fair page, but in the minds of the disinterested portion of the citizens of the State, there is but one opinion. And difficult as it may be to draw forth the truth by the committee now investigating the transaction, yet enough has already been brought to light to confirm that decision, and show a concerted plan of fraud unparalleled in the history of legislation in Indiana.

It is then, alike due to the reputation of the State, as to the honest portion of the last legislature, to wipe out this deep stain, and thereby deter others in the future from following their ignoble course.

*Third*—Who will deny that the stock was parceled out in advance? If any, let us refer him to the lobbies two years since. Who were most anxious for its passage? Who prepared the bill and engineered it through the legislature? Who influenced the members to vote for it, and had the location of its branches? With these in your mind look over the little pamphlet on your desks, and find who subscribed the stock in this or that branch. Were they bankers? Or if they intended to engage in the business, why do we find them so soon disposing of their stock? But here rests the moving cause of the whole transaction.

The scheme was, that certain persons should have the control at the start, and sell out to individuals of property, who did wish to bank, and it is known that certain branches were sold to the present stockholders at from ten, fifteen and as high as twenty thousand dollars, and in some instances given as a reason for this advance, that it cost so much to get the law through the legislature.

Your committee now submit the question to the House, and through it to the people, if any set of men have or should have a

right to sell in the market the franchises of the State? If the right to bank is worth a bonus of more than two hundred thousand dollars, who should have it? The State or certain speculators?

*Fourth*—That the stock was subscribed in an unprecedented manner is a fact too well known to require any comment from this committee. By a provision of the charter, the books were to be opened *between* nine and twelve o'clock, instead as in the old bank charter *from* nine *UNTIL* twelve. By this new arrangement the whole amount of the capital stock was subscribed the instant the books were opened, and immediately closed, as the charter authorized the commissioners to do so as soon as the sum was subscribed. While in the old bank it required that the books should be kept open thirty days, and if more stock was subscribed than necessary, the same should be divided in pro rata proportion to the persons subscribing. By the plan incorporated in the new charter, the few understanding it could and did monopolize the stock in most of the branches, preventing others who were able and wished to do a legitimate banking business from having any part in the stock. And others, not liking to encourage an unlooked for speculation, by an advance on the stock, refused to engage in it, while so large a portion of the stock was remaining in the hands of reckless speculators, whose only object was to *borrow* instead of *loan* money.

*Fifth*—As to the demand there was for the establishment of such a bank, we know there is an honest difference of opinion, and while we respect their's, we respectfully submit our own.

At the time the new State bank went into operation, there were some forty free banks in the State, doing a safe business on a deposit of bonds in the office of the Treasurer, and under the old law with the Auditor of State. By the present law, the free banks are required to deposit one hundred and ten dollars in bonds, at their cash value for every one hundred dollars of circulation. These deposits are well nigh equivalent to gold and silver. And while we are no advocates for the free banks, we must say that after their establishment, and the requirement to deposit \$110 for every \$100 of issue, the legislature should not have discriminated and authorized other persons to do a banking business, with authority to issue two and a half, if not three dollars, for every dollar of capital paid in—and that capital in their own hands. In other words, giving no security or guarantee for the payment of their bills.

But there were those who pretended that the people needed a bank, like the old State bank, and by adopting a like charter and its name, they hoped to inherit its good character. It should be remembered that there are wide differences between the old and new bank in features the most important.

In the old bank the State was the principal stockholder and furnished the actual cash capital for over two thirds the stock. And



yet with all this the bank suspended specie payment within three years of its establishment, and remained suspended for five years. During which time the bills of the bank were from ten to fifteen per cent. below par, or as some would have it at the time, gold and silver was ten to fifteen per cent. *above par*.

Again, a very mistaken notion seems to prevail as to the great profit the State has made by her connection with the old State bank. Before the books are balanced, it should be remembered that the legislature authorized the issuing of one million of dollars of bonds to increase the capital stock of the bank. These bonds were sold by the president of the bank, and not one dollar realized for them—resulting in a total loss to the State; which bonds and the interest, the people by their hard earnings, are paying or owe. When you deduct this amount from the reported profits coming to the State, it will be found that the balance is very small; and unless the present legislature pass some law protecting that fund, it may get so mixed up with the money of the new bank, that it may not be forthcoming at the proper time.

There is still another great difference between the old and new bank, which had much to do with giving the former the confidence of the people, and hold it in check to prevent it from violating that confidence. The large amount the State had in the bank, made it necessary that the legislature should keep a watchful care over it, and by amendments to the charter, and by the appointment of honest and independent officers to examine into the affairs, prevented that recklessness which is so common in banking business. With the new bank, the State will have no interest, and the legislature will pay no more regard to its management than they will with a carding machine, or grist mill, or some dry fork of a distant creek.

Another reason why the new bank will not secure the same credit of the old is, that by the provisions of the charter, each branch is responsible for the other. This being the case, no prudent man of **ACTUAL CAPITAL** will take stock in his own name, when he knows that by the mismanagement, dishonesty and rascality of others over whom he has but little control, may involve him, not only to the amount of his stock, but sweep his private fortune from him. Under such circumstances you may in time expect to find the stock in the name of infants and minors, reckless speculators and irresponsible bankers. But this may not be the case for a few years; as with the present advantage the new bank has of using the funds of the old bank, it may be able to establish a reputation its own capital could not give it. But when the crash comes, tell me where can she retreat? If the old bank was compelled to suspend with over a million of actual capital of the State, how can the new bank stand when her main dependence is upon mere politicians?

For these reasons we conclude that the charter was uncalled for. The law authorizing the establishment of free banks was suf-

ficient for all the purposes of the State, and if we are to have banks, it is the only system that approaches to safety and security; but even under this, there is not positive certainty, and the people may be wronged. But with faithful and honest officers, and the deposit now required, no serious loss need accrue to the billholder. And we do not see how any man of actual capital can prefer the new State bank to that of the free banking law. By the latter, he can control his own business; the other is, to a great extent, directed by those over whom he has but little control. By the free banking system, as now limited, there is no danger of an over issue of paper money—while by the other, unlimited as it is in one sense, the officers may over issue to such an extent, as to create an inflation of prices, produce unchecked extravagance, and hasten the common wreck when the people are least prepared for it.

*Sixth*—To show that the charter is not constitutional in all its provisions, your committee will refer to the 15th and 91st sections of the law. The 15th section reads: "The capital stock of said bank shall be subject to the same rate of taxation for *State and county* purposes as the property or stock of other moneyed corporations;" and closes with this exemption: "But the capital stock of said bank or branches shall not be taxable for municipal purposes."

By this section it will be seen that the bank is only liable to be taxed for State and county purposes, being exempt from school, library, road, township and municipal taxation, when the constitution says that "the General Assembly shall provide, by law, for a *uniform and equal* rate of assessment and taxation," "of all property, both real and personal."

Comment upon this is unnecessary. The citizen pays a tax upon all his capital and property—a banking institution, with privileges far above that of any citizen, is exempt from a large portion of the burdens placed upon the other.

The 91st section of the charter provides, "that it shall be lawful for the General Assembly (by and with the consent of the president and directors of the bank, and of the president and directors of each branch, and not otherwise,) to make such amendments and alterations in this charter, as may be found expedient," when the constitution of the State says, that "*no law shall be passed, the taking effect of which shall be made to depend upon any authority except as provided in this constitution.*" Yet the last General Assembly said no future legislature should pass a law on a certain subject, without first asking the consent of certain officers of a bank and branches. And learned men of this House have submitted a lengthy report to prove that this General Assembly had no power over that bank—that it was a contract, a grant that the legislature could not interfere with. But with the clause reserving the right of the bank to put in force or not put in force the laws of this General Assembly, stricken out and the constitution does annul it.

Is not the power clear, that the General Assembly shall make such *amendments* and *alterations* as may be found expedient?

But our only object under this head was to show that all the provisions of the charter were not constitutional. This, we think, is clear in two very important features.

*Seventh*—As to the duty of the legislature about recognizing, or directly or indirectly legalizing the action of the last legislature on this subject, is a matter of opinion upon which gentlemen may differ. To those who entertain the opinion that the people should not be consulted or their wishes known in relation to important questions—who believe that the law was honestly passed by the last legislature—who considered that the stock was fairly subscribed—that the people demanded such a bank—who believe the charter to be constitutional in all its provisions—and a binding contract, and an irrevocable grant—to such persons it will be strictly consistent to vote for its recognition and legalization. But to those who entertain opposite opinions, and believe that it was begot in sin and brought forth in iniquity, it could hardly be expected that they would vote endorsing that which they know to be wrong.

*Eighth*—If these charges are true—and whether true or false they are entertained—of the inception of this bank, is it at all likely that it will ever gain the confidence of the community and justify the legislature in holding out to it a fostering hand? Your committee think not, and that there is but one way to right the wrong that has been perpetrated, and that is to give notice at once that the General Assembly believes it to be “expedient” to annul the contract and wash our hands of the infamy that blots the fair escutcheon of our legislative history.

*Ninth*—Has the legislature the right to repeal said charter? This is an important question, and having received the wise consideration of the learned members of the judiciary committee, it may be considered presumptuous in us to interpose different conclusions from the same premises. It is contended that the charter is a contract—but is it a contract without reservation? It is also contended that it is a grant—but is it a grant without limit? has the grantor no right in reserve? Look at the plain reading of 1st section, where it says, “that it shall be lawful for the General Assembly to make such amendments and alterations in this charter as may be found expedient.” Now, suppose it is in the opinion of this legislature, expedient to alter the charter from the first to the last section, have they not a right to do so and express that opinion or give notice that they wish to change the terms of the contract; and suppose the reservation in said section is constitutional, it is for them to express their wish after we have made ours known; but suppose again that they do not approve the amendment or alteration we consider expedient? It becomes then a legal question, and belongs to the judiciary of the State to decide between the contracting parties. But will any person contend that the legisla-

ture has not the right to alter and amend the charter, with the consent of the president and directors of the bank? Then from whom should propositions come—from the bank or legislature? The charter says expressly from the legislature. Then, if the legislature desire the repeal of the charter, say so, and who knows but the bank officers may be tired of their own wrongs, and accept it—and if so, the work is done. But if not, it is a question for the courts to decide, whether the bank officers have the right, or the General Assembly the right to say what laws shall be in force. And if the legislature has, by the important amendments and alterations proposed, overstepped the reservations of the contract, it will be the duty, as well as the right of the courts, to decide the fact.

Your committee are clearly of the opinion, that the General Assembly has the lawful right to amend said charter, with no other limitation than that of expediency. And it is alike clear that the legislature has the power to make such alterations as they may think the interest of the State demands.

Therefore, your committee believe that it is the duty of the General Assembly to alter said charter, by striking out the same from the enacting clause.

Your committee return to the House the bill accomplishing that object, with the recommendation that the same be passed, and the committee be discharged from the further consideration of the subject.

GEO. W. LANE, Ch'n.	} Com'tee.
W. J. CULLEN,	
M. T. CARNAHAN,	

I concur in that part only of the above report, which recommends the passage of the bill repealing the charter of the bank of the State of Indiana.

WM. M. CLAPP.

Mr. Boyd moved to lay the report on the table,

The ayes and noes were demanded by Messrs. Lane and Studabaker.

*Those who voted in the affirmative were,*

Messrs. Abel, Austin, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Colgrove, Conner of Wabash, Crawford, Davis of Hendricks, Evans, Hawkins, Hoagland, Hutchings, Kerr, Landiss, Mercer, Merrifield, McDaniel, McDonald of Fountain, McDonald of Lake, Price, Reese, Sloss, Smith of Delaware, Steele, Ward, Whitcomb, Wiley, and Williams of Lagrange—32.

*Those who voted in the negative were,*

Messrs. Ballenger, Branson, Brown, Bryan, Carnahan, Clapp,

Clark, Conner of Hamilton, Conduitt, Crowe, Cullen, Denby, Dobbins, Duncan, Early, Edson, Grose, Harrison, Hayden, Herod, Humphreys, Lane, Larue, Massey, Marvin, Moon, Moore, McGinnis, McKinney, Neal, Neff, Reyman, Robbins, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Stone, Studabaker, Taggart, Trippet, Van Sandt, Vawter, Wagner, Wallace, Williams of Knox, Williamson, Wright, Yater, and Mr. Speaker—50.

So the report was not laid on the table.

On motion by Mr. Cullen,

The report was laid on the table, and five hundred copies ordered to be printed.

On motion by Mr. Lane,

The vote just taken was reconsidered.

Mr. Colgrove moved to indefinitely postpone the bill.

The ayes and noes were demanded by Messrs Lane and Colgrove.

*Those who voted in the affirmative were,*

Messrs. Abel, Austin, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Davis of Hendricks, Douglass, Hawkins, Hoagland, Humphreys, Hutchings, Kerr, Larue, Mercer, Merrifield, McDaniel, McDonald of Fountain, McDonald of Lake, Neal, Price, Reese, Reyman, Shuman, Sloss, Smith of Delaware, Steele, Van Sandt, Ward, Whitcomb, Williams of Lagrange, and Wright—38.

*Those who voted in the negative were,*

Messrs. Adams, Ballenger, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Conduitt, Crowe, Cullen, Denby, Dobbins, Duncan, Early, Edson, Evans, Grose, Harrison, Hayden, Herod, Lane, Massey, Marvin, Moon, Moore, McGinnis, McKinney, Neff, Robbins, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Stone, Studabaker, Taggart, Todd, Trippet, Vawter, Wallace, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker—46.

So the bill was not indefinitely postponed.

The question being, shall the report be concurred in.  
It was agreed to.

On motion by Mr. Lane,

The report was laid on the table, and five hundred copies ordered to be printed, and the bill ordered to be engrossed.

## ORDERS OF THE DAY.

The question pending at the adjournment on Friday, the 27th ultimo, being to reconsider the vote taken refusing to engross House bill No. 220, a bill to prohibit the issue of bank notes for circulation by the bank of the State of Indiana upon deposit, and to provide for the location of additional branches of said bank.

The ayes and noes were demanded by Messrs. Lane and Studabaker.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Brown, Clapp, Colgrove, Conner of Hamilton, Conduitt, Crawford, Davis of Hendricks, Evans, Grose, Hawkins, Hoagland, Humphreys, Hutchings, Kerr, Larue, Mercer, Merrifield, Moon, McDaniel, McDonald of Fountain, McDonald of Lake, Neal, Price, Reese, Shuman, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stone, Todd, Van Sandt, Vawter, Wagner, Ward, Whitcomb, Williams of Lagrange, Williamson, and Wright—50.

*Those who voted in the negative were,*

Messrs. Branson, Bryan, Carnahan, Clark, Conner of Wabash, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Edson, Hayden, Herod, Lane, Massey, Marvin, Moore, McGinnis, McKinney, Neff, Reyman, Robbins, Sherrod, Shoulders, Slicer, Sloss, Studabaker, Taggart, Trippet, Wallace, Wiley, Williams of Knox, and Mr. Speaker—34.

So the vote was reconsidered.

The question being, shall the bill be engrossed?

The ayes and noes were demanded by Messrs. Lane and Ballenger.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Austin, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Brown, Clapp, Colgrove, Conner of Hamilton, Crawford, Davis of Hendricks, Evans, Hawkins, Hoagland, Humphreys, Hutchings, Kerr, Larue, Mercer, Merrifield, Moon, McDaniel, McDonald of Fountain, McDonald of Lake, Neal, Price, Reese, Shuman, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stone, Van Sandt, Vawter, Wagner, Ward, Whitcomb, Williams of Lagrange, Williamson, and Wright—46.



*Those who voted in the negative were,*

Messrs. Allen, Branson, Bryan, Carnahan, Clark, Conner of Wash, Conduitt, Crowe, Cullen, Davis of Sullivan, Douglass, Duncan, Edson, Grose, Hayden, Herod, Landiss, Lane, Massey, Marvin, Moore, McGinnis, McKinney, Neff, Reyman, Robbins, Shoulders, Slicer, Studabaker, Taggart, Trippet, Wallace, Wiley, Williams of Knox, Yater, and Mr. Speaker—36.

So the bill was ordered to be engrossed.

By unanimous consent,

Mr. Sherrod, chairman of the committee on ways and means, introduced,

House bill No. 360. A bill making general appropriations for the years 1857 and 1858.

Which was read a first time.

Mr. Sherrod moved to suspend the rules and read the bill a second time by its title now.

The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Austin, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Colgrove, Crawford, Crowe, Davis of Hendricks, Douglass, Duncan, Early, Edson, Evans, Grose, Harrison, Hawkins, Herod, Hoagland, Hutchings, Landiss, Lane, Larue, Massey, Marvin, Mercer, Merrifield, Moon, McDaniel, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neal, Neff, Price, Reese, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Shuman, Smith of Delaware, Steele, Stone, Studabaker, Trippet, Vawter, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Wight, Yater, and Mr. Speaker—68.

*Those who voted in the negative were,*

Messrs. Clapp, Clark, Davis of Sullivan, Moore, Slicer, Smith of Bartholomew, Taggart, and Wagner—7.

So the rules were suspended and the bill read a second time by its title.

Mr. Grose moved to amend as follows :

Six hundred and thirty dollars to pay arrears of interest due from the blind institute to the sinking fund.

Which was agreed to.

Mr. Schermerhorn moved to amend by inserting :

For Governor's circle \$100.

It was not agreed to.

Mr. Williams of Lagrange moved to strike out "Governor's circle."

It was agreed to and the bill as amended ordered to be engrossed.

On motion by Mr. Cullen,

House bill No. 237, a bill regulating the sale of spirituous, vinous, malt or intoxicating liquors.

Was taken up.

The question being, shall the bill pass ?

On motion by Mr. Grose,

A call of the House was ordered.

The Clerk proceeded with the call, when the following members answered to their names.

Messrs. Abel, Allen, Austin, Ayres, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Douglass, Duncan, Early, Edson, Evans, Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Hutchings, Kerr, Landiss, Lane, Larue, Massey, Marvin, Mercer, Merrifield, Moon, Moore, McDaniel, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neal, Neff, Price, Reese, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Shuman, Slicer, Sloss, Smith of Delaware, Steele, Stone, Studabaker, Taggart, Todd, Trippet, Vawter, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Wright, Yater, and Mr. Speaker—83.

On motion,

The further call of the House was suspended.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Abel, Ayres, Ballenger, Bethell, Blake, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Conner of Hamilton, Conduitt, Crawford, Cullen, Davis of Sullivan, Duncan, Early, Edson, Evans, Grose, Hayden, Hoagland, Hutchings, Kerr, Landiss, Lane, Mercer, Merrifield, Moon, McDonald of Fountain, Mc-

Donald of Lake, McGinnis, McKinney, Neff, Reese, Reyman, Robbins, Schermerhorn, Slicer, Sloss, Smith of Delaware, Steele, Stillwell, Stone, Studabaker, Taggart, Trippet, Vawter, Wagner, Wallace, Ward, Wiley, Williams of Knox, Williams of Lagrange, Williamson, and Wright—59.

*Those who voted in the negative were,*

Messrs. Allen, Austin, Batterton, Bowman, Colgrove, Conner of Wabash, Crowe, Davis of Hendricks, Douglass, Hawkins, Herod, Humphreys, Larue, Massey, Marvin, Moore, McDaniel, Neal, Price, Sherrod, Shoulders, Shuman, Van Sandt, Whitcomb, and Mr. Speaker.—25.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof

By unanimous consent,  
Mr. Marvin introduced,

House bill No. 361. A bill to repeal section 1 of an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof.

Which was read a first time and passed to a second reading

Mr. Merrifield moved to reconsider the vote just taken on the passage of

House bill No. 237. A bill to regulate the sale of spirituous, vinious, malt, or intoxicating liquors.

Mr. Branson moved to lay the motion on the table.

The ayes and noes were demanded by Messrs. Humphreys and Larue.

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Ayres, Ballenger, Blake, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Conduitt, Crawford, Cullen, Davis of Sullivan, Duncan, Early, Edson, Grose, Harrison, Hayden, Hoagland, Hutchings, Kerr, Lane, Massey, Mercer, Moon, Moore, McDonald of Lake, McGinnis, McKinney, Neal, Neff, Reese, Reyman, Robbins, Shoulders, Shuman, Slicer, Steele, Studabaker, Taggart, Trippet, Vawter, Wagner, Ward, Wiley, Williams of Lagrange, Wright, and Yater—51.

*Those who voted in the negative were,*

Messrs. Austin, Batterton, Bethell, Bowman, Boyd, Branham, Conner of Hamilton, Conner of Wabash, Crowe, Davis of Hendricks, Douglass, Evans, Hawkins, Herod, Humphreys, Larue, Marvin, Merrifield, McDaniel, Sloss, Smith of Bartholomew, Stone, Todd, Van Sandt, Wallace, Williams of Knox, Williamson, and Mr. Speaker—27.

So the motion was laid on the table.

On motion by Mr. Wiley,

House bill No. 309. A bill to provide for a uniform mode of proceeding in cases of assignments of insolvent debtors, for the appointment of trustees and defining their duties and powers, and providing for the distribution of the proceeds of insolvents' estate.

Was taken up and read a third time,

On motion by Mr. Colgrove,

Made the special order of the day for to-morrow at 10 o'clock, A. M.

On motion by Mr. Wagner,

House bill No. 234. A bill supplemental to an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries and for the regulation thereof, approved March 5, 1855.

Was taken up, and made the special order of the day for to-morrow at 9 o'clock, A. M.

On motion by Mr. Davis of Sullivan,

House bill No. 257. A bill to amend the first section of an act entitled an act prescribing the duties and fixing the compensation of State Agent, approved June 17th, 1852.

Was taken up and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Bethell, Blake, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Conduitt, Crowe, Cullen, Davis of Sullivan, Douglass, Duncan, Early, Edson, Evans, Harrison, Herod, Hoagland, Humphreys, Kerr, Landiss, Lane, Massey, Marvin, Moore, McDaniel, McDonald of Lake, McGinnis, McKinney, Reese, Reyman, Robbins, Schermerhorn, Shoulders, Slicer, Smith

of Bartholomew, Studabaker, Taggart, Trippet, Wallace, Wiley, Williams of Knox, Wright, Yater, and Mr. Speaker—49.

*Those who voted in the negative were,*

Messrs. Colgrove, Conner of Wabash, Hayden, Larue, Mercer, and Merrifield—6.

No quorum voting.

So the bill did not pass.

On motion by Mr. Davis of Sullivan,

A call of the House was ordered.

The clerk proceeded with the call, when the following members answered to their names :

Messrs. Abel, Allen, Austin, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Carnahan, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Denby, Douglass, Duncan, Early, Edson, Evans, Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Hutchings, Kerr, Landiss, Lane, Massey, Marvin, Mercer, Merrifield, Moon, McDaniel, McDonald of Lake, McGinnis, McKinney, Neal, Reese, Reyman, Robbins, Schermerhorn, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Steele, Stone, Studabaker, Taggart, Trippet, Van Sandt, Vawter, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Wright, Yater, and Mr. Speaker—78.

On motion,

The further call of the House was suspended.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Bethell, Blake, Bowman, Boyd, Branson, Brown, Bryan, Carnahan, Clark, Conduitt, Crowe, Cullen, Davis of Sullivan, Douglass, Duncan, Early, Edson, Harrison, Herod, Hoagland, Humphreys, Landiss, Massey, Marvin, Moore, McDaniel, McDonald of Lake, McGinnis, McKinney, Reese, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Studabaker, Taggart, Trippet, Wallace, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker—48.

*Those who voted in the negative were,*

Messrs. Co gro e, Conner of Hamilton, Conner of Wabash, Evans, Hawkins, Kerr, Larue, Mercer, Merrifield, Shuman, Todd, Vawter, Ward, and Wright—14.

No quorum voting.

So the bill did not pass.

Mr. Conner of Wabash, from the judiciary committee, made the following report:

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 67, being a bill to amend the 1st section of an act entitled an act to amend an act to authorize and regulate the business of general banking, said act being chapter 7 of the laws of 1855, have had the same under consideration, and directed me to report the same back, with an amendment striking out all after the enacting clause and inserting the accompanying amendment, and when so amended, recommend its passage.

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the 12th section of an act, entitled an act to amend an act to authorize and regulate the business of general banking, being chapter seven of the laws of 1855, reads as follows: "Nothing in this act contained shall be considered as implying any pledge on the part of the State for the payment of said bills or notes beyond the proper application of the securities pledged with the auditor for their redemption, and shall anything herein contained be construed to empower any person or association to conduct or carry on the business of banking at any other than the place of business of such individual banker or banking association, which place of business shall in every instance be the same at which their small bank bills respectively are made payable," be and the same is hereby amended so as to read as follows: "Nothing in this act contained shall be considered as imposing any obligation on the State for the payment of said bills or notes, nor shall anything herein contained be construed to empower any association to conduct or carry on the business of banking at any other than the place of business of such banking association, which place of business shall in every instance be the same at which their bank bills are respectively made payable: *Provided*, That this amendment shall not be construed as an admission of any liability on the part of the State, under the acts so amended, for the payment or redemption of any bills or notes of any such banks.

H. J.—63.



Which report was laid on the table.

On motion by Mr. Humphreys,  
The House adjourned.

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WEDNESDAY MORNING, 8½ o'clock, }  
March 4th, 1857. }

The House met.

The clerk proceeded to read the journal.

When,

On motion by Mr. Bethell,  
The further reading of the journal was dispensed with.

#### REPORTS FROM COMMITTEES.

Mr. Kerr, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred Senate bill No. 51, entitled a bill to preserve the purity of elections, and to amend section 21 of an act entitled an act regulating general elections, and prescribing the duties of officers in relation thereto, have had the same under consideration, and a majority of said committee, direct me to report the same back, and recommend that it be laid upon the table.

The purpose of the bill is to require every elector, when his right to vote is challenged, to swear or affirm "that he has resided in the State during the six months immediately preceding the election ; that he is at the time a resident of the county, and has been such for the last sixty days, and that he is at the time a citizen of the township or precinct, and has been such for the last thirty days."

The second section of the second article of the constitution provides that "in all elections, not otherwise provided for by this constitution, every white male citizen of the United States, of the

age of twenty-one years and upwards, who shall have resided in the State during the six months immediately preceding such election; and every white male of foreign birth, of the age of twenty-one years and upwards, who shall have resided in the United States one year, and shall have resided in this State during the six months immediately preceding such election, and shall have declared his intention to become a citizen of the United States, conformably to the laws of the United States on the subject of naturalization, shall be entitled to vote in the township or precinct where he may reside."

Is the proposed amendment to the present election law consistent with this constitutional provision? Has the General Assembly the power, directly or indirectly, to add to or diminish the necessary qualifications of electors? The majority of the committee cannot hesitate to answer these questions in the negative. The proposed amendment to the law would clearly operate a palpable violation of the constitution. Its direct effect would be to add to the qualifications of the elector as prescribed by the constitution. Instead of a residence of six months, in the case of the American citizen, or twelve in the case of a person of foreign birth, it requires in many cases a residence of eight months in the first and fourteen in the latter case. Under what rule of construction this amendment can be held to be constitutional, the committee are utterly unable to discover. The General Assembly, under the pretense of *explaining* terms employed in the constitution, certainly have not the power to define those terms to mean anything materially different from their ordinary, usual and established signification.

Where words are plain and clear, and the meaning distinct and well established, there is generally no necessity to have recourse to other means of interpretation. It is only where there is some ambiguity or doubt arising from other sources that interpretation has its proper office. There is no such doubt or ambiguity in the foregoing constitutional provision. The commonest understanding could not hesitate as to its proper meaning.

It is a safe rule of construction, that whenever any interpretation of a word or constitutional provision would, in its practical and ultimate results, involve an absurdity, or defeat the obvious purpose of the law or constitution, it must be wrong. This bill attempts, under the cover of a pretended explanation, to add two months to the period of residence necessary for the elector, according to the express terms of the constitution. If it is competent for us to do this, then we may, by a parity of reasoning, declare that twelve months or more are indispensable to constitute sufficient evidence of residence. In other words, each successive legislature may define the word "resided" to mean something different from the interpretation adopted and promulgated by any former legislature. It would thus result that the constitutional provision in question means nothing in particular, never can have any

*settled* signification, and must always be dependent upon the wisdom of successive General Assemblies for a *definition*, which, when announced, can unfortunately only claim the dignity of truth or correctness for the period of two years. Such would be the absurd consequence of the kind of legislation proposed in this bill.

The committee, therefore, believe that the proposed change in the present law, is clearly in violation of the constitution, and they recommend that said bill be laid upon the table.

Which report was concurred in, and the bill laid on the table.

Mr. Mercer, from a select committee made the following report :

MR. SPEAKER :

The majority of the select committee, to whom was referred the petition of 266 citizens of Elkhart county, asking that the jurisdiction of said county be extended for school and county purposes, over that part of Marshal and St. Joseph counties embraced in fractional townships number thirty-five, six, seven and eight, have had the same under consideration, and have directed me to report, that it would be inexpedient, inasmuch as it would conflict with that part of the constitution of this State, which says that no county shall be reduced to an area less than four hundred square miles ; that it would be virtually changing the boundaries of counties heretofore organized, reducing them below the constitutional size ; they therefore ask to be discharged from the further consideration of the subject.

Which report was concurred in.

Mr. Dobbins, from the committee on county and township business, made the following report :

MR. SPEAKER :

The committee on county and township business, to whom was referred House bill No. 323, being a bill to authorize the empanneling of petit jurors in the circuit courts, and to repeal an act therein named, have had the same under consideration, and a majority of said committee have directed me to report the same back and recommending its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Grose, from the committee on benevolent and scientific institutions, made the following report :

MR. SPEAKER :

The committee on benevolent institutions, to whom was referred

House bill No. 249, being a bill to amend the first and third sections of an act, entitled an act to provide a site, system of government, and plans for the erection of a State house of refuge for the correction and reformation of juvenile offenders, approved March 3d, 1855, have had the same under consideration, and a majority have directed me to report the same back to the House, with a recommendation that the preamble herewith submitted be inserted after the title, and that all after the enacting clause be stricken out, and the accompanying sections inserted, and when so amended recommend its passage :

WHEREAS, The constitution of the State of Indiana requires that the General Assembly shall provide houses of refuge for the correction and reformation of juvenile offenders ;

AND WHEREAS, Humanity demands that some steps should be taken at once on the part of the State to separate the youthful convict from the veteran and hardened criminal ; therefore,

SEC. 1. That Oliver R. Dougherty of Morgan county, Miles Murphv of Henry county, G. M. Zemboman of Cass county be and are hereby appointed commissioners for and on behalf of the State, and authorized and directed to select and purchase for the State of Indiana by deed and fee simple a tract of land, not less than fifty nor more than two hundred acres, at not more than fifty dollars per acre, which shall be an eligible site for a house of refuge, for the employment, instruction, correction and reformation of juvenile offenders ; such tract of land to be not less than three miles from any town or city nor more than seven miles from the railroad from Terre Haute in the county of Vigo, to the city of Richmond in the county of Wayne, regard being had in the selection thereof to the center of population, cheapness of living, facility of access, and with a view to the ultimate erection of two additional houses of the same character and for the same purposes.

Sec. 2. The said commissioners may also take into consideration any proposed donation of land, money, or materials, toward carrying out the effects of this act, but shall not be wholly governed thereby, but shall select that point which shall combine economy to the State, with the several requisites mentioned in the preceding section.

Sec. 3. The said commissioners, after the purchase of said tract of land, are hereby directed to procure plans and specifications and estimates for the necessary buildings thereon, such estimates not to exceed twenty thousand dollars, also to prepare and mature a system for the management and government of such House of refuge, and ascertain what laws will be necessary to put the same into successful operation.

Sec. 4. The system of laws and management to be prepared as in the foregoing section directed, shall contemplate the making of

such House of Refuge a place where the young convict, separated from vicious associates, may by careful physical, intellectual, and moral training, be reformed and restored to society, with principles and character fitting him for a good citizen.

Sec. 5. For the purpose of carrying into effect the provisions of this act, the requisite sum for the purchase of said tract of land is hereby appropriated, as well as the sum of two hundred dollars for the procuring of the aforesaid plans, estimates and specifications, said appropriations to be audited by the Auditor, paid out by the Treasurer of State upon the order of said commissioners.

Sec. 6. And the said commissioners are hereby required to report to the General Assembly at the commencement of its next regular session, their action pursuant to this act, specifications, estimates, system of management, and draft of enactments as required in the foregoing sections.

Sec. 7. Upon the purchase of said land as by this act contemplated, the said commissioners are hereby authorized to control the same and receive any products that arise therefrom, paying the same over to the Treasurer of State, and to superintend the same until the next regular meeting of the General Assembly.

Sec. 8. That said commissioners shall be allowed each three dollars a day for their services in the premises, while actually engaged as such commissioners.

Sec. 9. That an act entitled an act to provide a site, system of government, and plans for the erection of a State House of Refuge for the correction and reformation of juvenile offenders, approved March 3, 1855, be, and the same is hereby repealed.

Sec. 10. If vacancies occur in the board of said commissioners the Governor shall fill the same from the same county or counties of the residence of those whose vacancies have occurred.

Which report was concurred in, the amendment adopted, and the bill as amended ordered to be engrossed.

Mr. Grose, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred House bill No. 39, a bill for the better protection of landlords, and to facilitate the renting of lands to tenants have amended the same in accordance with the instructions to the committee, and being so amended, I am directed to report the same back for the action of the house.

SECTION 1 *Be it enacted by the General Assembly of the State of Indiana*, That the landlord of any demised premises, shall have a lien upon one-half of the crops thereof, whether growing, standing, or gathered thereon, for the amount of the rent reserved not to exceed one year's rent, which lien shall have precedence of any



claim to the said crops, *Provided*, That this lien nor this act shall in no wise be construed to interfere with the right of any tenant to claim as exempt from execution the amount of property now allowed by law to execution defendants.

Which report was concurred in, the amendment adopted, and the bill ordered to be engrossed.

Mr. Branson, from the committee on county and township business, made the following report :

**MR. SPEAKER :**

The committee on county and township business, to whom was referred House bill No. 339, a bill to amend the first section of an act, entitled an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto have had the same under consideration, and have directed me to report the same back, and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Merrifield, from a select committee, made the following report :

**MR. SPEAKER :**

The select committee, to whom was referred House bill No. 352, a bill to amend sections 56 and 74 of an act to fix the time of holding courts of common pleas, and the length of terms thereof, in the several counties of this State, and repealing the former laws in reference thereto, approved March 3, 1855, have had the same under consideration, and instructed me to report favorably, and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Neff, from a select committee, made the following report :

**MR. SPEAKER :**

The select committee, to whom was referred House bill No. 146, a bill fixing the time for holding the courts in the ninth judicial circuit, and length of term thereof, have directed me to report the same back, and recommend its indefinite postponement.

Which report was concurred in, and the bill indefinitely postponed.



On motion by Mr. Blake,  
The vote taken on the indefinite postponement of

House bill No. 348. A bill for the benefit of the Ohio Falls Marine R. R. Co.

Was re-considered.

Mr. Blake, from the committee on the judiciary, made the following report:

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 348, being a bill for the benefit of the Ohio Falls Marine Railroad company, have had the same under consideration, and directed me to report the same back and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed

On motion by Mr. Studabaker,

House bill No. 308. A bill relative to the printing, binding, and distribution of the session acts, House, Senate, and documentary journals, declaring who shall be entitled to a copy of the same, authorizing the Secretary of State to dispose of copies of acts by sale, when called for, and allowing such secretary a compensation for superintending such printing, binding, and distribution.

Was taken up.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Ballenger, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Clapp, Clark, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Sullivan, Dobbins, Duncan, Early, Edson, Evans, Harrison, Hawkins, Hayden, Herod, Hutchings, Kerr, Landiss, Lane, Larue, Massey, Marvin, Merrifield, Modesitt, Moore, McDaniel, McDonald of Lake, McGinnis, McKinney, Neal, Neff, Reese, Reyman, Sherrod, Shoulders, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Stone, Studabaker, Taggart, Todd, Trippet, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williamson, Wright and Mr. Speaker.—66.

*Those who voted in the negative were,*

Messrs. Grose, Mercer, and Williams of Lagrange—3.

So the bill passed.

*Ordered,* That the clerk inform the Senate thereof.

On motion,

Leave was granted Messrs. Sherrod and Stillwell, to record their votes on the passage of House bill No. 237.

Mr. Moore, from the committee on county and township business, made the following report :

MR. SPEAKER :

The committee on county and township business, to whom was referred House bill No. 307, a bill defining the duties of county Auditors and Treasurers, in relation to the issuing and paying county orders, have had the same under consideration, and have directed me to report it back to the House and recommend its indefinite postponement.

Which report was concurred in and the bill indefinitely postponed.

By unanimous consent,

Mr. Lane offered the following preamble and resolution :

WHEREAS, Col. John Vawter, of Morgan county, in this State, is in the lobby ; AND WHEREAS, out of respect to a worthy and aged citizen, who has held with honor and credit to himself, and benefit to the State, many important positions. Therefore, be it

*Resolved*, That Col. Vawter be invited to take a seat within the bar of the hall of the House of Representatives.

Which was agreed to.

The hour having arrived, the House proceeded to the consideration of the special order of the day on

House bill No. 234. A bill supplemental to an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries and for the regulation thereof, approved March 5, 1855.

Which was read a third time.

The question being, shall the bill pass ?

Mr. Wagner moved a call of the previous question.

Which motion was seconded by the House.

The question being, shall the main question be now put ?

It was agreed to.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Austin, Ayres, Ballenger, Batterton, Blake, Bowman, Boyd, Branham, Bryan, Clark, Conner of Wabash, Conduitt, Crawford, Cullen, Davis of Hendricks, Davis of Sullivan, Denby, Early, Edson, Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Hutchings, Kerr, Lane, Larue, Lewis, Marvin, Mercer, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Keyman, Ricketts, Schermerhorn, Shuman, Smith of Bartholomew, Steele, Stillwell, Stone, Todd, Trippet, Van Sandt, Wagner, Wallace, Whitcomb, Wiley, Williams of Knox, Williamson, Wright, and Yater—57.

*Those who voted in the negative were,*

Messrs. Adams, Branson, Brown, Clapp, Colgrove, Conner of Hamilton, Crowe, Dobbins, Douglass, Duncan, Evans, Humphreys, Landiss, Massey, Modesitt, Moon, Moore, McDaniel, Neal, Neff, Price, Reese, Robbins, Sherrod, Shoulders, Slicer, Sloss, Studabaker, Vawter, Ward, Williams of Lagrange, and Mr. Speaker—32.

Mr. Merrifield refused to vote.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

The hour having arrived the House proceeded to the consideration of the special order of the day on

House bill No. 300. A bill to provide for the uniform mode of proceeding in cases of assignments of insolvent debtors, for the appointment of trustees, and defining their duties and powers, and providing for the distribution of the proceeds of insolvent estates.

Mr. Davis of Sullivan moved to lay the bill on the table.

It was not agreed to.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ayres, Ballenger, Blake, Bowman, Brown, Clapp, Colgrove, Conner of Wabash, Crawford, Denby, Evans, Grose, Hawkins, Hayden, Kerr, Lane, Larue, Lewis, Massey, Mercer, Moon, McDonald of Fountain, Neal, Price, Reese, Schermerhorn, Shu-

man, Sloss, Todd, Van Sandt, Vawter, Ward, Wiley, and Wright—34.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Allen, Austin, Bethell, Boyd, Branson, Conduitt, Crowe, Davis of Sullivan, Dobbins, Douglass, Duncan, Early, Herod, Hoagland, Humphreys, Landiss, Marvin, Merrifield, Modesitt, Moore, McDaniel, McDonald of Lake, Neff, Reyman, Ricketts, Robbins, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Stillwell, Studabaker, Trippet, Wagner, Wallace, Whitcomb, Williams of Knox, Williams of Lagrange, Williamson, Yater, and Mr. Speaker—43.

So the bill did not pass.

Mr Conner of Wabash, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred Senate bill No 33, being an act to provide for the sale of freights shipped upon railroads, boats, and other public conveyances, or consigned to wharlungers and warehouses, to pay expense of transportation and storage, and to prevent the loss of the same to the owner, have had the same under consideration, and directed me to report the same back, with an amendment striking out all after the enacting clause, and inserting the following amendment, and when so amended to recommend its passage.

Strike out and insert as follows :

That in all cases where freights of any kind or article of value, properly and plainly marked, shall have been shipped or transported upon any boat, railroad train, or other public conveyance for the transportation of goods, or articles of value shall fail or neglect for the period of six months after the same shall have reached the point to which the same was so shipped or transported, to pay the proper freight and charges due thereon, the railroad company, boat proprietors, or the owner or owners of the conveyance to whom such freight and charges are due, may advertise and sell the same or a sufficient amount thereof to pay the said freight and charges or either together with the expenses of advertising and selling of the same, notice of the time and place of such sale shall be given by written or printed notices posted upon the doors of the freight and passenger depot or principal office or place of business of such railroad company, boat owner or other public carriers at the point to which the said property shall have been shipped or conveyed, for at least twenty days prior to day of sale,

and shall also be published at least in each of three successive weeks prior to such sale in a daily or weekly newspaper, if one be published within the county in which such sale is to be made; *Provided*, That any time after twenty days such sale may be made upon notice posted and published as aforesaid, if the owner of such property shall have been personally served with written notice that such property is awaiting his order, and a written request to pay charges and take the same away.

SEC. 2. If any baggage, trunk, box, package, or other article of value shall remain in the hands or possession of any railroad company, boat owners or any other public conveyance by reason of having been left for want of a way bill or the proper direction thereon, so that the owner thereof cannot be ascertained, it shall be lawful for any railroad company, or other public carrier having possession thereof as aforesaid, at any time after the expiration of ninety days to open said baggage, trunks, box, barrel, package or the casing of any kind containing said wares, and in case the owner's place of residence can by examination be ascertained a notice shall be mailed to said owner at the proper place of address; or as near as can be ascertained, or personally served on said owner, giving a proper description of such property, and if the same remain unclaimed for the space of nine months after the mailing of said notice, or after the property has been examined as above provided, and the owner's address cannot be ascertained, or if the same remain unclaimed for the space of sixty days after personal service of such notice upon such owner, to advertise and sell such property, in the manner and upon the notice provided in the first section of this act, first causing an inventory of such articles, with a proper description to be entered in a book to be kept for that purpose. The proceed of such sale, after defraying the necessary expenses of advertising and selling, together with other reasonable charges, shall be paid to the owner upon demand and proper proof of ownership.

SEC. 3. Should all the freight or other property authorized to be sold by the first section of this act, not be sold to pay the freight or expenses therein mentioned, and the same still remain in the possession of the railroad company, boat owner or other public conveyance for forty days after said sale unclaimed, a description and inventory of the same shall be made and entered in a book to be kept for that purpose, together with the shipper and that of the assignee, if known, and after giving notice as provided in the first section of this act, the whole of said property shall be sold, and after defraying all the reasonable expenses and additional charges the residue thereof shall be paid to the owner on demand and proof of ownership.

SEC. 4. The provisions of this act are applied to all express companies, wharfingers, and warehousemen, who are public depositors; *Provided*, That whenever any freight or other articles of value shall be delivered to any wharfingers or warehousemen, by

any of the carriers contemplated by this act, they shall first pay the freight and charges due the carriers aforesaid.

On motion by Mr. Conner of Wabash,

The rules were suspended, and the bill was considered as engrossed, and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branson, Brown, Clark, Conner of Wabash, Conduitt, Crawford, Crowe, Denby, Dobbi s, Douglass, Duncan, Early, Evans, Hawkins, Hayden, Herod, Hoagland, Hutchings, Kerr, Landiss, Lane, Lewis, Massey. Merrield, Modesitt, Moon, Moore, McDaniel, McDonald of Fountain, McGinnis, Neal, Price, Reese, Reyman, Ricketts, Schermerhorn, Sherrod, Shuman, Slicer, Sloss, Smith of Bartholomew, Vawter, Wagner, Wallace, Whitcomb, Wiley, and Williamson—56.

*Those who voted in the negative were,*

Messrs. Clapp, Davis of Sullivan, Grose, Humphreys, Larue, Marvin, Mercer, Robbins, Shoulders, Steele, Studabaker, Taggart, Trippet, Van Sandt, Williams of Knox, Williams of Lagrange, Yater and Mr. Speaker—18.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

Mr. Schermerhorn, from the committee on claims, made the following report:

MR. SPEAKER:

The committee on claims, to whom was referred House bill No. 344, a bill to amend section 5 of an act entitled an act regulating the fees of officers and repealing former acts in relation thereto, approved March 2, 1855, have had the same under consideration, and have directed me to report it back to the House, and recommend its passage.

Which report was concurred in.

On motion by Mr. Schermerhorn,

The bill was considered as engrossed and read a third time now.

The question being, shall the bill pass?



*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Ballenger, Bethell, Blake, Bowman, Boyd, Branson, Brown, Clapp, Clark, Conner of Wabash, Conduitt, Crawford, Crowe, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Evans, Hawkins, Hoagland, Humphreys, Hutchings, Kerr, Landiss, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moon, Moore, McDaniel, McDonald of Fountain, McDonald of Lake, McGinnis, Neal, Price, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Shuman, Sloss, Smith of Bartholomew, Steele, Taggart, Todd, Trippet, Van Sandt, Vawter, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Yater and Mr. Speaker—69.

*Those who voted in the negative were,*

Messrs. Adams, Grose, Herod, and Lane—4.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Kerr, from a select committee, made the following report :

MR. SPEAKER :

The select committee, to whom was referred the petition of Andrew Wallace, Esq., and others, firemen in the city of Indianapolis, praying for some legislation to promote the efficiency of the fire department in this State, have had the same under consideration and direct me to report to the House that they consider the objects had in view by the petitioners, one eminently worthy to engage the attention of the General Assembly, but the session is now so far spent, and there remains so much unfinished business upon the files of the House, which imperatively demands our attention, that the committee further deem it inexpedient at this time, to attempt to mature and enact a law to accomplish the purpose above indicated. They, therefore, respectfully recommend that the further consideration of the subject be indefinitely postponed, and that they may be discharged.

Which report was concurred in.

On motion by Mr. Marvin,

House bill No. 330. A bill to amend an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly

connected therewith, and to establish township libraries, and for the regulation thereof, approved March 5, 1855.

Was taken up, the pending amendment adopted, and the bill ordered to be engrossed.

On motion by Mr. Larue,  
The House adjourned.

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1½ O'CLOCK P. M.

The House met.

On motion by Mr. Whitcomb,

The claim of Dr M. Jones, reported on by the committee on ways and means, was referred to the committee on claims.

A message from the Senate by Mr. Harvey, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills thereof, viz :

No. 34. A bill to amend section 5 of an act entitled an act regulating the fees of officers, and repealing former acts in relation thereto, approved March 2, 1855. Also,

No. 80. A bill to amend the 138th section of an act entitled an act providing for the settlement of decedants estates, prescribing the rights, liabilities, and duties, of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlements, approved June 17, 1852. Also,

No. 106. A bill to amend the 23d section of an act entitled an act defining misdemeanors, and prescribing punishments therefor, approved June 14, 1852. Also,

No. 108. A bill to amend an act providing for the election, and prescribing certain duties of county surveyors.

In which the concurrence of the House of Representatives is respectfully requested.

Senate bills No. 34, 80, 106, and 108, contained in the foregoing message, were read a first time and ordered to a second reading.

A message from the Senate by Mr. Harvey, their Secretary.

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills thereof, viz:

No. 136. A bill to amend the 30th section of an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof.

In which the concurrence of the House of Representatives is respectfully requested.

Senate bill No. 136, contained in the foregoing message, was read a first time and ordered to a second reading.

A message from the Senate by Mr. Harvey, their Secretary.

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives that the Senate have concurred in the first engrossed amendments of the Senate, to bill of the House of Representatives,

No. 84. A bill to amend the 31st section of an act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties, approved June 11, 1852.

Also, that the Senate have passed the following engrossed bill of the House of Representatives, without amendment, viz :

No. 242. A bill to enable the different counties in the State having a swamp land fund, to ascertain and use the amount thereof, for the purpose of ditching the swamp lands therein.

A message from the Senate, by Mr. Harvey, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills of the House, without amendment, viz:

No. 46. A bill for the improvement of agriculture and to enable persons owning swamp lands or overflowed lands to drain the same. Also,

No. 75. A bill to amend the 23d section of an act entitled an act concerning trespassing animals and partition fences. Also,

No. 88. A bill for the incorporation of building, loan fund and savings associations. Also,

No. 129. A bill to provide for the government and discipline of the State Prison, and to repeal an act to provide for the government and discipline of the State Prison, approved March 3, 1855, and all other laws or parts of laws inconsistent herewith. Also,

No. 169. A bill to provide for the support of the indigent, blind, and other infirm persons. Also,

No. 169. A bill to amend an act entitled an act to provide for the erection and repair of bridges, and to repeal an act entitled an act to provide for the erection and repair of bridges, approved March 3, 1855.

#### HOUSE BILLS ON SECOND READING.

No. 357. A bill to repeal an act entitled an act to limit the number of grand jurors, and to point out the mode of their selection, defining their jurisdiction, and repealing all laws inconsistent therewith, also to transfer the powers and duties of grand juries to justices of the peace.

Was read a second time, and

On motion by Mr. Conner of Wabash,  
Referred to the committee on the judiciary.

No. 358. A bill to amend the 5th and 6th sections of an act entitled an act for the more uniform mode of doing township business, approved May 6, 1852.

Was read a second time, and,

On motion by Mr. Crowe,  
Referred to the committee on county and township business.

House bill No. 361. A bill to repeal section 1 of an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters

properly connected therewith, and to establish township libraries, and for the regulation thereof, approved March 5, 1855.

Was read a second time, and

On motion by Mr. Dobbins,

Referred to the committee on county and township business.

A message from the Senate by Mr. Harvey, their Secretary :

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bill thereof, viz:

No. 63. A bill to amend the 6th, 22d, 78th, 79th, 96, 119th, and 100, and 194th sections, and to repeal sections 99. and 73, of an act entitled an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State, approved June 21, 1852; and to provide for the assessment and taxation of banks, brokers, stock-jobbers, insurance companies, trust companies, savings institutions, gas companies, and other joint stock companies whose taxation is not specifically provided for.

In which the concurrence of the House of Representatives is respectfully requested.

Mr. Crowe moved to suspend the rules and read the Senate bill contained in the forgoing message, a first time by its title now.

The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Adams, Allen, Ayres, Ballenger, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Duncan, Early, Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Hutchings, Kerr, Landiss, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moon, Moore, McDaniel, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neal, Price, Reese, Reyman, Ricketts, Robbins, Sherrod, Shuman, Slicer, Sloss, Smith of Bartholomew, Stone, Studabaker, Taggart, Trippet, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Wright, and Mr. Speaker—74.

No person voted in the negative.

So the rules were suspended and the bill read a first time by its title.

Mr. Studabaker moved to suspend the rules and read the bill a second time by its title now.

The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Adams, Allen, Austin, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Clapp, Clark, Claypool, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Dobbins, Douglass, Duncan, Early, Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Hutchings, Kerr, Landiss, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moore, McDaniel, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neal, Reese, Reyman, Ricketts, Robbins, Shoulders, Shuman, Slicer, Smith of Bartholomew, Smith of Delaware, Stillwell, Studabaker, Taggart, Trippet, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Wright, and Mr. Speaker—76.

No person voting in the negative.

So the rules were suspended and the bill read a second time by its title.

And,

On motion by Mr. Studakaker,

Referred to the committee on ways and means.

By unanimous consent,

Mr. Smith of Bartholomew offered the following resolution :

*Resolved*, That no member of this House shall receive his certificate from the Speaker for his pay and mileage, until the last day of the session, without leave of the House.

Which,

On motion by Mr. Moore,

Was laid on the table.

By unanimous consent,

Mr. Mercer offered the following preamble and resolution :

**WHEREAS**, it appears by reference to the proceedings in Congress, that a bill has passed the House of Representatives with a probability that it will pass the Senate of the United States, distrib-



uting the surplus revenue among the several States; **AND WHEREAS**, in the event of the passage of such a law, there would not be any person authorized to receive, upon the part of the State of Indiana, her portion of said revenue, therefore

*Be it resolved*, That the committee on education be directed to report a bill for the appointment of proper commissioners to take charge of and invest said fund, under proper restrictions on conditions, for the benefit of common schools for the State of Indiana.

*Resolved*, That the increase of said fund, be, and is hereby appropriated for the construction of school houses in the several counties in this State, in proportion to the number of children between the ages of 5 and 21 years, as reported by the superintendent of common schools annually; the same to be expended and distributed under the direction of the board of county commissioners of each county.

Which was not agreed to.

By unanimous consent,  
Mr. Brown offered the following resolution:

*Resolved*, That the Doorkeeper of this House, who acted as sergeant-at-arms in summoning witnesses in the Jasper county swamp land matter, be allowed the same fees that sheriffs are allowed by law for similar services, and that the chairman of the swamp land committee ascertain the amount thereof and certify the same to the Speaker of this House, who shall sign the same, which shall be audited and paid by the Auditor and Treasurer of State out of the swamp land funds of Jasper county.

Which was agreed to.

Mr. Williams of Lagrange, from the committee on ways and means, made the following report:

**MR. SPEAKER:**

In compliance with a resolution of this House directing the committee of ways and means to examine and report to this House whether in their opinion the present office of the Treasurer of State and vault in said office is sufficient and secure to the State and owners of bonds and moneys that may be deposited there, it doth to recommend what alterations or additions are necessary for the perfect security of the above named funds, and comfort and convenience of the treasurer, the committee respectfully report that they have examined the office of the Treasurer of State and vault

therein. They consider the vault in said office insufficient for the safe keeping, and entirely unfit and insecure place for keeping the moneys deposited in said office; that to secure the same the Treasurer of State is temporarily making use of a burglar proof safe in the office of Auditor of State, which is thought by your committee to be secure though inconvenient.

Your committee therefore recommend, in order to more effectually to secure the safe keeping of the bonds and moneys entrusted for safe keeping with the Treasurer of State, the purchase of a building suited for the accommodation of our State offices, that in which vaults are already constructed adequate to the entire security of the funds, bonds, &c., held by our State Treasurer and other State officers, or in case this suggestion is not carried out, then the committee recommend that the State Treasurer be authorized to procure a suitable fire and burglar proof safe for his office, the expense of which shall not exceed five hundred dollars.

Which report was concurred in.

Mr. Lane, chairman of the committee on education, made the following report:

MR. SPEAKER:

The committee on education, to whom was referred the petition of J. A. Thompson and others, citizens of Hendricks county, having considered the same, respectfully report, that it is too late in the session to consider the important changes contemplated by said petitioners. Your committee, therefore, return the same to the House and ask to be discharged from the further consideration of the same.

Which report was concurred in.

Mr. Studabaker, from the committee on the judiciary, made the following report:

MR SPEAKER :

The committee on the judiciary, to whom was referred joint resolution No. 21, the same being a joint resolution for the relief of Henry P. Rowan, swamp land treasurer of Pulaski county, have had the same under consideration, and have directed me to report the same back, with the following amendment, and when so amended recommend its passage.

*First*—Amend by adding to the last resolution :

*“Provided however, That the State shall not be liable in any event for any costs in the prosecution of said claim.”*

*Second*—Insert at the end of the sixth line of the first resolution the following :

"If in the opinion of such Attorney General the facts will warrant a successful prosecution of said cause."

Which report was concurred in and the amendment adopted.

On motion by Mr. Studabaker,  
The joint resolution was considered as engrossed.

Mr. Studabaker moved to suspend the rules and read the joint resolution a third time now.

Which was agreed to.

The question being, shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Clapp, Clark, Claypool, Colgrove, Conner of Wabash, Crawford, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Evans, Grose, Harrison, Hawkins, Hayden, Hoagland, Humphreys, Hutchings, Kerr, Landiss, Lane, Lewis, Mercer, Merrifield, Moon, McDaniel, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neal, Price, Reese, Reyman, Robbins, Sherrod, Shoulders, Shuman, Slicer, Smith of Bartholomew, Steele, Stillwell, Studabaker, Trippet, Van Sandt, Wagner, Wallace, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Wright, Yater, and Mr. Speaker—71.

*Those who voted in the negative were,*

Messrs. Ballenger, Conner of Hamilton, Conduitt, Herod, Larue, and Moore—6.

So the joint resolution passed.

*Ordered,* That the Clerk inform the Senate thereof.

On motion by Mr. Kerr,

No. 247. A bill supplemental to an act entitled an act concerning county prisons, approved May 7, 1852, and to authorize the establishment of work houses, and the confinement of certain persons therein at labor.

Was taken up and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Batter-

ton, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Claypool, Conner of Hamilton, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Early, Evans, Grose, Harrison, Hawkins, Hayden, Herod, Humphreys, Hutchings, Kerr, Landiss, Larue, Lewis, Merrifield, Moon, McDaniel, McDonald of Fountain, McDonald of Lake, Price, Reese, Reyman, Ricketts, Schermerhorn, Sherrod, Shuman, Smith of Bartholomew, Steele, Stillwell, Studabaker, Taggart, Todd, Wagner, Wallace, Ward, Whitecomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Wright, and Mr. Speaker—64.

*Those who voted in the negative were,*

Messrs. Clapp, Clark, Conner of Wabash, Conduitt, Crawford, Duncan, Hoagland, Massey, Marvin, Modesitt, Moore, McGinnis, McKinney, Neal, Price, Robbins, Shoulders, Slicer, Trippet, Van Sandt, and Yater—20.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

On motion by Mr. Herod,

No. 338. A bill supplemental to an act entitled an act to provide against the consequences ensuing, or likely to ensue from the destruction of books, pamphlets, papers, records or other writings of any county in this State, or any circuit, probate, commissioners or inferior court of record therein, or filed with, or in the legal custody of any officer of any county in this State, and to provide for the perpetuation of testimony relative to the same, and requiring new official bonds to be given in cases where the bonds of officers, executors, administrators and guardians have been destroyed, approved January 12, 1852.

Was taken up and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Austin, Ayres, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Clapp, Clark, Claypool, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Sullivan, Dobbins, Douglass, Duncan, Early, Evans, Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Hutchings, Kerr, Landiss, Lane, Larue, Lewis, Massey, Marvin, Merrifield, Modesitt, Moon, McDaniel, McDonald of Fountain, McDonald of Lake, McKinney, Neal, Neff, Price, Reese, Reyman, Schermerhorn, Sherrod, Shuman,

Slicer, Smith of Bartholomew, Stillwell, Taggart, Todd, Trippet, Van Sandt, Wagner, Wallace, Wiley, Whitcomb, Williams of Knox, Williams of Lagrange, Williamson, Wright, and Yater—76.

Mr. Speaker voting in the negative.

So the bill passed.

*Ordered*, That the clerk inform the Senate thereof.

#### ORDERS OF THE DAY RESUMED.

#### *House Bills on third reading.*

House bill No. 257. A bill to amend the first section of an act entitled an act prescribing the duties and fixing the compensation of State Agent, approved June 17th, 1852.

Pending at adjournment yesterday evening.

Mr. Larue moved to commit the bill to a select committee, with the following instructions :

Make the office of State Librarian elective by the people at and after the October election, 1858, and appoint John B. Dillon librarian until that time.

Which was not agreed to.

The question being, shall the bill pass ?

#### *Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Ayres, Bethell, Blake, Bowman, Boyd, Branson, Brown, Bryan, Clark, Claypool, Conduitt, Crowe, Cullen, Davis of Sullivan, Dobbins, Duncan, Early, Harrison, Herod, Hoagland, Humphreys, Lane, Lewis, Massey, Marvin, Modesitt, Moore, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neff, Reese, Ricketts, Robbins, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Studabaker, Taggart, Trippet, Wallace, Wiley, Williams of Knox, Williamson, Yater, and Mr. Speaker—53.

#### *Those who voted in the negative were,*

Messrs. Douglass, Grose, and Wright—3.

No quorum voting.

So the bill did not pass.

On motion by Mr. Humphreys,  
A call of the House was ordered.

The clerk proceeded with the call, when the following members answered to their names :

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branson, Brown, Bryan, Clapp, Clark, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Davis of Sullivan, Dobbins, Douglass, Duncan, Early, Evans, Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Hutchings, Kerr, Lane, Larue, Lewis, Massey, Marvin, Mercer, Modesitt, Moon, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neal, Neff, Price, Robbins, Schermerhorn, Sherrod, Shoulders, Shuman, Sloss, Smith of Bartholomew, Steele, Studabaker, Taggart, Van Sandt, Wallace, Ward, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Wright, Yater, and Mr. Speaker—73.

On motion,  
The further call of the House was suspended.

On motion by Mr. Kerr,  
The bill was laid on the table.

On motion by Mr. Blake,

House bill No. 220. A bill to prohibit the issue of bank notes for circulation by the bank of the State of Indiana upon deposits, and to provide for the location of additional branches of said bank.

Was taken up, and

On motion by Mr. Studabaker,  
The bill was recommitted to a select committee of three, consisting of Messrs. Blake, Kerr, and Studabaker, with the following instructions :

To so amend that the bank will be taxed on her capital as individuals are taxed on their capital.

On motion by Mr. Williams of Knox,

House bill No. 359. A bill to amend section 7 of an act entitled an act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie Canal to Evansville, approved June 19, 1846, and to appoint and elect a trustee on the part of the State for the Wabash and Erie Canal.

Was taken up.

Mr. Grose moved to recommit with the following instructions :  
Amend so as to provide for the election of State Librarian by



the people, at the October election in 1858, and until that time John B. Dillon act as Librarian.

Mr. Branson moved a call of the previous question.

Which motion was seconded by the House.

The question being, shall the main question be now put?

It was agreed to.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Ayres, Bethell, Blake, Boyd, Branson, Brown, Bryan, Claypool, Conduitt, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Harrison, Herod, Hoagland, Humphreys, Lane, Lewis, Massey, Marvin, Modesitt, Moore, McDaniel, McDonald of Fountain, McGinnis, Reese, Reyman, Ricketts, Roblins, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Stillwell, Taggart, Trippet, Wallace, Wiley, Williams of Lagrange, Wright, Yater and Mr. Speaker.—50.

*Those who voted in the negative were,*

Messrs. Conner of Wabash, Hayden, Larue, and Stone—4.

No quorum voting.

So the bill did not pass.

On motion by Mr. Humphreys,  
A call of the House was ordered.

The Clerk proceeded with the call, when the following members answered to their names:

Messrs. Abel, Adams, Ayres, Ballenger, Bethell, Blake, Bowman, Boyd, Branson, Brown, Bryan, Clapp, Clark, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Evans, Grose, Harrison, Hawkins, Hayden, Hoagland, Humphreys, Hutchings, Landiss, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moon, Moore, McDaniel, McDonald of Fountain, McDonald of Lake, McGinnis, Neal, Neff, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Steele, Stillwell, Stone, Studabaker, Todd, Trippet, Van Sandt, Vawter, Wallace, Ward, Whitcomb, Wiley, Williams

of Knox, Williams of Lagrange, Williamson, Wright, Yater, and Mr. Speaker—81.

On motion,  
The further call of the House was suspended.

On motion by Mr. Williams of Knox,  
The bill was laid on the table.

No. 100. A bill to amend the 2d section of article 2d of the constitution of the State.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Bethell, Blake, Boyd, Branson, Brown, Claypool, Colgrove, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Douglass, Early, Evans, Grose, Harrison, Hawkins, Hayden, Hoagland, Humphreys, Hutchings, Kerr, Larue, Lewis, Massey, Mercer, Merrifield, Moon, McDaniel, McDonald of Fountain, McDonald of Lake, McKinney, Neal, Neff, Price, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Slicer, Sloss, Smith of Bartholomew, Steele, Taggart, Trippet, Van Sandt, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Wright and Mr. Speaker—63

*Those who voted in the negative were,*

Messrs. Batterton, Bowman, Branham, Bryan, Clapp, Clark, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Duncan, Herod, Landiss, Lane, Marvin, Moore, McGinnis, Shoulders, Stillwell, Stone, Vawter, Williams of Lagrange, and Yater.—23.

So the bill passed.

*Ordered.* That the Clerk inform the Senate thereof

On motion by Mr. McDonald of Lake,

Senate bill No. 28. A bill to enable assignees of school lands certificates to obtain deeds when the assignment has not been acknowledged.

Was taken up, and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Bethell, Bowman, Boyd, Branham, Branson, Brown, Bryan, Clapp, Clark, Conner of Hamilton, Conner of Wabash, Crawford, Crowe, Davis of H., Davis of S., Denby, Douglass, Duncan, Early, Evans, Harrison, Hawkins, Hayden, Hoagland, Hutchings, Kerr, Landiss, Lane, Larue, Marvin, Merrifield, Modesitt, Moon, McDaniel, McDonald of Lake, McGinnis, Neal, Price, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Shuman, Slicer, Sloss, Smith of Bartholomew, Steele, Stone, Taggart, Trippet, Van Sandt, Vawter, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, and Mr. Speaker—71.

Mr. Humphreys voted in the negative.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

On motion by Mr. Denby,

House bill No. 290. A bill to enable the several chartered cities of this State to construct water works.

Was taken up and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Austin, Ayres, Ballenger, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Clapp, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crowe, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Duncan, Early, Evans, Grose, Harrison, Hawkins, Hayden, Hoagland, Humphreys, Kerr, Landiss, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moon, McDaniel, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neal, Neff, Price, Reese, Reyman, Ricketts, Schermerhorn, Shuman, Slicer, Sloss, Smith of Bartholomew, Steele, Stillwell, Stone, Studabaker, Trippet, Van Sandt, Vawter, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Wright, and Yater,—77.

*Those who voted in the negative were,*

Messrs. Batterton, Crawford, Douglass, Herod, and Mr. Speaker—5.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Davis of Hendricks, from the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills have examined the following bills, to-wit : Nos. 359, 348, 339, and 323, and compared the same with the original and find them correct.

Mr. Marvin, from the committee on engrossed bills made the following report :

MR. SPEAKER :

The committee on engrossed bills have compared House bill No. 344 with the original bill, and find it correctly engrossed.

Mr. Williams, from the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills Nos. 204 and 319, and have so amended them as to make them read as correctly engrossed now.

Mr. Marvin, chairman of the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills have examined House bills No. 297 and 220, and find them correctly engrossed.

Mr. Marvin, chairman of the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills have compared engrossed House bill No. 360 with the original, and find it correctly engrossed.

Mr. Crowe, chairman of the committee on enrolled bills, made the following report :

MR. SPEAKER :

The committee on enrolled bills have compared enrolled bill of the House No. 125 with the engrossed copy thereof, and find the same correctly enrolled.

Mr. Crowe, chairman of the committee on enrolled bills, made the following report :

**MR. SPEAKER :**

The committee on enrolled bills have compared enrolled bill of the House No. 333 with the engrossed copy thereof, and find the same correctly enrolled.

Mr. Crowe, chairman of the committee on enrolled bills, made the following report :

**MR. SPEAKER :**

The committee on enrolled bills have compared enrolled bill of the House No. 75 with the engrossed copy thereof, and find the same correctly enrolled.

Mr. Crowe, chairman of the committee on enrolled bills, made the following report :

**MR. SPEAKER :**

The committee on enrolled bills have compared enrolled bills of the House Nos. 160 and 169 with the engrossed copies thereof, and find the same correctly enrolled.

A message from the Governor by Mr. Osborne, his Secretary.

**MR. SPEAKER :**

I am directed by the Governor to inform the House, that he has approved and signed the following bills :

House bill No. 125    An act to vest certain rights in married women whose husbands have left the State without making suitable provisions for their maintenance, or whose husbands are confined in the State prison.

House bill No 75.    An act to amend the 23d section of an act concerning trespassing animals and partition fences.

A message from the Governor by Mr. Osborne, his Secretary :

**MR. SPEAKER :**

I am directed by the Governor to inform the House, that he has approved and signed the following bills.

House bill No. 333.    An act to authorize the Treasurer of State to buy for the State, lands sold on execution, or by order of court,

and to sell the same and execute deeds therefor, and to legalize sales already made in similar cases. Also

House bill No. 160. An act to provide for the support of the indigent blind and other infirm persons. Also

House bill No. 169. An act to amend an act entitled an act to provide for the erection and repair of bridges, and to repeal an act entitled an act to provide for the erection and repair of bridges, approved March 3, 1855.

Mr. Kerr, from a select committee, made the following report :

MR. SPEAKER :

The select committee, to whom was referred House bill No. 220, entitled a bill to prohibit the issue of bank notes for circulation by the bank of the State of Indiana upon deposits, and to provide for the location of additional branches of said bank, with certain instructions have had the same under consideration, and direct me to report the same back, with the following amendments made in pursuance of said instructions, to-wit :

SEC. 6. That section fifteen of an act, entitled an act to establish a bank with branches, approved March 3, 1855, which is in the words following, to-wit : The capital stock of said bank shall be subject to the same rate of taxation for State and county purposes as the property or the stock of other moneyed corporations ; and the real estate and other property of said bank and branches, situated in any city or town, shall be taxable for township purposes, in the same manner as other property so situated, but the capital stock of said bank or branches shall not be taxable for municipal purposes, be and the same is hereby amended so as to read as follows, to-wit : The capital stock of said bank and all its real and personal property shall be subject to the same rate of taxation for State, county, school, municipal and other purposes as the property or stock of other moneyed corporations in this State.

Amend the title to said bill by adding thereto the following words, to-wit :

And to amend section fifteen of an act, entitled an act to establish a bank with branches, approved March 3, 1855.

When thus amended the majority of the committee recommend its passage.

Mr. Dobbins moved to lay the report on the table.

The ayes and noes were demanded by Messrs. Dobbins and Larue.

*Those who voted in the affirmative were,*

Messrs. Allen, Ayres, Ballenger, Branson, Bryan, Clark, Conner



of Wabash, Conduitt, Crowe, Cullen, Davis of Sullivan, Dobbins, Douglass, Duncan, Early, Grose, Hayden, Herod, Landiss, Lane, Massey, Marvin, Modesitt, Moon, Moore, McGinnis, McKinney, Reyman, Robbins, Shoulders, Slicer, Studabaker, Trippet, Wallace, Wiley, Williams of Knox, Williamson, and Mr. Speaker—38.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Austin, Bethell, Blake, Bowman, Boyd, Branham, Brown, Clapp, Claypool, Colgrove, Conner of Hamilton, Crawford, Davis of Hendricks, Evans, Harrison, Hawkins, Hoagland, Humphreys, Hutchings, Kerr, Larue, Lewis, Mercer, Merrifield, McDaniel, McDonald of Fountain, McDonald of Lake, Neal, Price, Reese, Ricketts, Schermerhorn, Sherrod, Shuman, Sloss, Smith of Bartholomew, Steele, Stillwell, Stone, Van Sandt, Vawter, Wagner, Ward, Whitcomb, Williams of Lagrange, Wright and Yater—50.

So the report was not laid on the table.

The question being on concurring in the report.

Mr. Studabaker offered the following amendment to the report:

The capital stock, personal property, and real estate of said bank shall be subject to the same rate of taxation for State, county and all other purposes, as the property or stock of individuals.

The question being on the adoption of the amendment,

The ayes and noes were demanded by Messrs. Lane and Studabaker.

*Those who voted in the affirmative were,*

Messrs. Adams, Allen, Austin, Ayres, Ballenger, Batterton, Branson, Brown, Bryan, Clark, Conner of Wabash, Conduitt, Crowe, Davis of Hendricks, Davis of Sullivan, Dobbins, Douglass, Duncan, Early, Evans, Grose, Hayden, Herod, Hoagland, Hutchings, Landiss, Lane, Larue, Massey, Marvin, Merrifield, Modesitt, Moon, Moore, McGinnis, McKinney, Neal, Neff, Reese, Reyman, Ricketts, Robbins, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Stillwell, Stone, Studabaker, Taggart, Trippet, Wallace, Whitcomb, Williams of Knox, Williamson, Wright, Yater, and Mr. Speaker—58.

*Those who voted in the negative were,*

; Messrs. Abel, Bethell, Blake, Bowman, Boyd, Branham, Clapp,

Claypool, Colgrove, Crawford, Harrison, Humphreys, Kerr, Lewis, Mercer, McDaniel, McDonald of Fountain, McDonald of Lake, Schermerhorn, Sloss, Steele, Van Sandt, Vawter, Wagner, Ward, Wiley, and Williams of Lagrange.—21.

So the amendment of Mr. Studabaker was adopted.

The question then recurring on concurring in the report.  
It was agreed to.

Mr. Dobbins moved to re-commit the bill with the following instructions :

Strike out the section that proposes to establish five additional branches.

Pending which,

On motion by Mr. Moore,  
The House adjourned.

THURSDAY MORNING, 8½ O'CLOCK, }  
March 5th, 1857. }

The House met.

The clerk proceeded to read the journal.

When,

On motion by Mr. Davis of Sullivan,  
The further reading of the journal was dispensed with.

By unanimous consent,

Mr. Davis of Sullivan introduced,

House bill No. 362. An act to provide for the safe keeping of the public money, and of the bonds and other securities entrusted to the care of certain officers.

Which was read a first time.

Mr. Davis of Sullivan moved to suspend the rules and read the bill a second time by its title now.

H. J.—65.

The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Clapp, Clark, Claypool, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Davis of Sullivan, Davis of Hendricks, Denby, Dobbins, Douglass, Duncan, Early Grose, Harrison, Herod, Hoagland, Jefferis, Landiss, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Moon, Moore, McDaniel, McGinnis, McKinney, Neal, Schermerhorn, Shoulders, Shuman, Slicer, Sloss, Steele, Stillwell, Stone, Studabaker, Wallace, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Wright, and Mr. Speaker—67.

No person voted in the negative.

So the rules were suspended and the bill read a second time by its title, and

On motion by Mr. Davis of Sullivan,

Referred to a select committee of three, consisting of Messrs. Davis of Sullivan, Kerr, and Grose.

#### HOUSE BILLS ON SECOND READING.

No. 355. A bill to prevent the spread of hog cholera by contagion, and prescribing certain penalties in relation thereto.

Was read a second time, and,

On motion by Mr. Moore,

Referred to the committee on the rights and privileges of the inhabitants of the State.

No. 351. A bill for the relief of persons who have bought canal, swamp, or other lands belonging to the State and sold at any land office.

Was read a second time, and,

On motion by Mr. Bethell,

Referred to the committee on the judiciary.

No. 353. A bill to amend section 76 of an act entitled an act defining misdemeanors and prescribing punishment therefor, approved June 14, 1852.

Was read a second time, and

On motion by Mr. Williams of Knox,

Referred to the committee on the judiciary.

No. 354. A bill to amend sections 95, 96, and 97, of an act entitled an act providing for the settlement of decedents estates,

prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement.

Was read a second time, and ordered to be engrossed.

No. 356. A bill to authorize a supply of the revised statutes to the several counties of this State for sale.

Was read a second time, and ordered to be engrossed.

#### SENATE BILLS ON SECOND READING.

No. 108. A bill to amend an act providing for the election and prescribing certain duties of county surveyors.

Was read a second time, and ordered to a third reading.

No. 106. A bill to amend the 23d section of an act entitled an act defining misdemeanors and prescribing punishment therefor, approved June 11, 1852.

Was read a second time and ordered to a third reading.

No. 80. A bill to amend the 138th section of an act entitled an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlements, approved June 17, 1852.

Was read a second time, and ordered to a third reading.

#### PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Schermerhorn,

A petition signed by Joseph A. Simms and others, in reference to the courts of common pleas for the district of Carrol and Clinton counties.

Which,

On motion by Mr. Schermerhorn,

Was referred to the committee on the organization of courts of justice.

#### REPORTS FROM COMMITTEES.

Mr. Larue, from the committee on fees and salaries, made the following report :

MR. SPEAKER :

The committee on fees and salaries, to whom was referred House bill No. 278. An act to increase the duties and salaries of

the judges of the supreme court, have had the same under consideration, and a majority of the same have directed me to report the same back, with the following amendments :

*First*—Strike out the words “two thousand five hundred,” in section two, and insert “two thousand.”

*Second*—Strike out the emergency clause in the third section.

*Third*—Insert the following section :

Sec. 4. Inasmuch as there are a large number of cases on the docket of said court undecided, and inasmuch as the compensation now allowed judges of the supreme court is insufficient, an emergency exists requiring the immediate taking effect of this act, therefore the same shall take effect and be in force from and after its passage.

And when so amended recommend the passage of the bill.

Which report was concurred in, the amendment adopted, and the bill ordered to be engrossed.

Mr. Dobbins, from the committee on county and township business, made the following report :

**MR. SPEAKER :**

The committee on county and township business, to whom was referred House bill No 358, being an act to amend the fifth and sixth sections of an act, entitled an act for the more uniform mode of doing township business, approved May 6, 1852, have had the same under consideration, and have directed me to report the same to the House, and recommend that it be laid on the table, as the House has already passed a bill on the subject.

Which report was concurred in, and the bill laid on the table.

Mr. Reese, chairman of the committee on swamp lands, made the following report :

**MR. SPEAKER :**

The committee on swamp lands, to whom was referred House bill No. 255. A bill to amend the 12th section of an act to authorize the construction of levees and drains, approved June 12, 1852, have had the same under consideration; and directed me to report the same back and recommend its passage.

Which report was concurred in.

On motion by Mr. Reese,

The bill was considered as engrossed and read a third time.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Austin, Avres, Ballenger, Bethell, Blake, Bowman, Boyd, Branham, Brown, Bryan, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Crowe, Davis of Hendricks, Davis of Sullivan, Dobbins, Duncan, Early, Grose, Harrison, Hawkins, Hayden, Herod, Hongland, Humphreys, Hutchings, Landiss, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moon, Moore, McDaniel, McDonald of Fountain, McDonald of Lake, McKinney, Neal, Neff, Reese, Reyman, Robbins, Schermerhorn, Shuman, Steele, Stillwell, Stone, Vawter, Wagner, Wallace, Ward, Whitcomb, Williams of Knox, Williams of Lagrange, Williamson, Wright, and Mr. Speaker—66.

*Those who voted in the negative were,*

Messrs. Branson, Douglass, Studabaker, and Wiley—4.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Reese, chairman of the committee on swamp lands, made the following report:

**MR. SPEAKER:**

The swamp land committee, to which was referred the matter in relation to the sale of swamp lands in Jasper county, with authority to send for persons and papers, have had the same under consideration and investigation, and directed me to make the following report:

The committee, from an investigation of papers and the facts attested by witnesses, are of the opinion that the law in relation thereto, both by officers of State and county officers, has been violated; and they are also of opinion, that there was no intention on the part of any officers connected with the transaction, to defraud the State or the county of Jasper out of any moneys belonging thereto, but simply to continue the draining of swamp lands in Jasper county as fast as possible, it being well understood that the fund was not in a condition to pay as fast as the contracts already let became due; and no person would enter lands and pay the money therefor, that was not to be expended in draining the lands for which the money was paid, but would be used for paying the drainage of lands other and different, which had already been sold. With this view, no doubt, the officers, both State and county, acted when they let large contracts to various persons to be paid for in swamp lands; and with a view to securing the lands to the contractors, had those selected by them (the



contractors) withheld from sale. In the mean time, persons not contractors finding certain amounts of land were to be drained, at all events, applied to enter portions of lands so selected, and tendered the money therefor, which would have to be paid out for older contracts, and suits were commenced in order to force the officers to allow the entry thereof. In order to insure the title to the lands selected, to the contractors who had selected the same, the county officers all understanding the same, the commissioner of swamp lands was induced to give to contractors what they call "advance estimates," upon which the treasurer issued certificates of entry or purchase, and upon which certificates of purchase, patent for large amounts of land were issued to various persons, the commissioner taking from the various contractors what he deemed sufficient bond and security to insure the completion of the drainage of lands sufficient to amount to the value of the lands entered at the minimum price thereof.

Your committee ascertained, also, that a portion of the contractors had commenced their draining, and have performed various amounts of labor, and that all were intending in good faith to fulfill their contracts.

Your committee have, therefore, instructed me to refer the House to the Senate bill, passed by this House a few days since, amended by your committee and by the House, in such a manner as to provide for the security of all parties, and render legislation unnecessary, if the parties, contractors, comply with the provisions of said law, and if they do not, then their legal rights, as well as those of the State and county of Jasper, will remain to be tested by the law as it now affects their rights.

And your committee ask to be discharged from the further consideration of the matter.

Which report was concurred in, and the committee discharged.

Mr. Allen, chairman of the committee on accounts and mileage, made the following report :

MR. SPEAKER :

The committee on accounts and mileage, have had the subject of mileage of members of the General Assembly under consideration, and have directed me to report the following bill to the House, and recommend its passage.

No. 363. A bill repealing the fourth section of an act, entitled an act to regulate the mileage of sheriffs in conveying convicts to the State prison, and of county treasurers in making deposits and other settlements with the Treasurer and Auditor of State, and the mileage of members of the General Assembly, approved June 17, 1852.

Which was read a first time, and

Mr. Allen moved to suspend the rules and read the bill a second time now by its title now.

The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Clark, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Davis of Hendricks, Davis of Sullivan, Douglass, Duncan, Early, Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Hutchings, Jefferis, Kerr, Landiss, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moon, Moore, McDaniel, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neal, Reese, Reyman, Robbins, Schermerhorn, Shoulders, Slicer, Sloss, Smith of Bartholomew, Steele, Stillwell, Studabaker, Taggart, Trippet, Van Sandt, Vawter, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, and Mr. Speaker—75.

Mr. Clapp voting in the negative.

So the rules were suspended and the bill read a second time by its title.

Mr. Allen moved to suspend the rules and read the bill a third time now.

The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Davis of Hendricks, Davis of Sullivan, Dobbi s, Douglass, Duncan, Early, Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Jefferis, Landiss, Lane, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moon, Moore, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neal, Reese, Reyman, Robbins, Schermerhorn, Sherrod, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Steele, Stillwell, Stone, Studabaker, Todd, Van Sandt, Vawter, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Wright, and Mr. Speaker—77.

Mr. Clapp voting in the negative.

So the rules were suspended and the bill read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Austin, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Clark, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Davis of Hendricks, Davis of Sullivan, Douglass, Duncan, Early, Harrison, Hawkins, Hayden, Herod, Hoagland, Hutchings, Jefferis, Kerr, Landiss, Larue, Lewis, Massey, Merrifield, Modesitt, Moon, Moore, McDaniel, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Reese, Reyman, Ricketts, Robbins, Schermerhorn, Sherrod, Shuman, Slicer, Sloss, Steele, Stillwell, Stone, Studabaker, Todd, Van Sandt, Vawter, Ward, Whitcomb, Wiley, Williams of Lagrange, Williamson, Wright, and Mr. Speaker—66.

*Those who voted in the negative were,*

Messrs. Adams, Ayres, Clapp, Lane, Marvin, Mercer, Neal, Wallace, and Williams of Knox—9.

. So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Dobbins, from a select committee, made the following report :

**MR. SPEAKER :**

The committee, to whom was referred the petition of one William S. Bunch, praying for a divorce from his beloved wife, Caroline Bunch, have had the same under dutiful consideration, have heard to his prayer, and have instructed me to report the same back, and believing that "the course of true love never did run smooth," and that "sic a wife as Willie had they would nae gie a button for," and yet believing that "labor cannia rincih," they therefore recommend that the orthography and manual execution of the petition be referred to the "committee on education," and that the wife's case, being a very difficult one, she wishing to migrate to the State of Ohio, as stated in the postscript to the petition, be referred to the "committee on roads" and the "committee on the rights and privileges of the inhabitants of the State of Indiana;" and as the said William S. Bunch seems to be laboring under a peculiar state of mind, that his case be referred to the "committee on temperance," and the select committee heretofore appointed on the practice of medicine and surgery.

Which report was concurred in.

Mr. Schermerhorn, from the committee on fees and salaries made the following report :

**MR. SPEAKER :**

The committee on fees and salaries, to whom was referred House bill No. 288, a bill to amend section 7 of an act entitled an act providing for the election of clerks of the circuit court, and prescribing some of their duties, approved June 7, 1852, have had the same under consideration, and have directed me to report the same back to the House and recommend its indefinite postponement.

Which report was concurred in and the bill indefinitely postponed.

Mr. Stillwelt, from the committee on fees and salaries, made the following report:

**MR. SPEAKER :**

The committee on fees and salaries, to whom was referred House bill No. 172, to regulate and determine the fees of judges in writs of habeas corpus injunctions, and restraining orders in vacations of courts have had the same under consideration, and a majority of said committee have directed me to report the same back and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Kerr, from the committee on the judiciary, made the following report:

**MR. SPEAKER :**

The judiciary committee, to whom was referred House bill No. 357, entitled a bill to repeal an act entitled an act to limit the number of grand jurors, and to point out the mode of their selection, defining their jurisdiction, and repealing all laws inconsistent therewith; also to transfer the powers and duties of grand jurors to justices of the peace, have had the same under consideration, and directed me to report the same back to this House, and recommend that it be indefinitely postponed as inexpedient.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Branham, from the committee on benevolent and scientific institutions, made the following report:

**MR. SPEAKER :**

The committee on benevolent institutions, to whom was referred a resolution of the House directing the committee to enquire into

the expediency of providing by law for the laying off into town lots and the sale thereof, of a portion of the farm belonging to the Indiana Hospital for the Insane, have had the subject under consideration, and have directed me to report, that in the opinion of the committee such legislation would be inexpedient, and the committee ask to be discharged from the further consideration of the subject.

Which report was concurred in.

On motion,

Senate bill No. 34. A bill to amend section 5 of an act entitled an act regulating the fees of officers, and repealing former acts in relation thereto, approved March 2, 1855.

Was taken up and read a third time, and

On motion by Mr. Moore,

Referred to the committee on fees and salaries.

On motion by Mr. Claypool,

House bill No. 239. A bill to repeal section 21 of an act entitled an act for the prevention of frauds and perjuries, and requiring certain contracts to be in writing, and declaring certain conveyances, assignments, contracts, and mortgages void, approved June 9, 1852.

Was taken up and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Austin, Ayres, Bethell, Blake, Boyd, Branson, Brown, Bryan, Clapp, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Davis of Hendricks, Davis of Sullivan, Dobbins, Duncan, Evans, Grose, Harrison, Hawkins, Hayden, Humphreys, Hutchings, Jefferis, Kerr, Landiss, Lane, Lewis, Massey, Mercer, Merrifield, Modesitt, Moon, McGinnis, Neal, Neff, Price, Reese, Reyman, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Steele, Stillwell, Stone, Studabaker, Taggart, Trippet, Van Sandt, Vawter, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Wright, Yater and Mr. Speaker—70.

*Those who voted in the negative were,*

Messrs. Adams, Clark, Crowe, Early, Herod, Marvin, and Moore—7.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

On motion by Mr. Conner of Wabash,

House bill No. 299. A bill to amend the 65th section of article 37 of an act entitled, an act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases, in the courts of this State; to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity.

Was taken up and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branson, Brown, Bryan, Clark, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Dobbins, Douglass, Duncan, Early, Evans, Harrison, Hayden, Herod, Hutchings, Jefferis, Kerr, Landiss, Lane, Lewis, Massey, Marvin, McDonald of Fountain, McDonald of Lake, Neal, Neff, Price, Reese, Reyman, Sherrod, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Stillwell, Stone, Studabaker, Van Sandt, Vawter, Wagner, Wallace, Ward, Whitcomb, Williams of Knox, Wright, and Yater.—58.

*Those who voted in the negative were,*

Messrs. Allen, Ayres, Crawford, Davis of Hendricks, Larue, Mercer, Merrifield, Moore, Schermerhorn, Wiley, and Mr. Speaker—11.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

Mr. Blake moved that the House take up the orders of the day.

The ayes and noes were demanded by Messrs. Lane and Sloss.

*Those who voted in the affirmative were,*

Messrs. Abel, Ballenger, Bethell, Blake, Bowman, Boyd, Branhams, Clapp, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Cullen, Davis of Hendricks, Duncan, Evans, Harrison, Hawkins, Hayden, Hoagland, Humphreys, Hutchings, Jefferis, Kerr, Larue, Lewis, Mercer, Merrifield, McDonald of Fountain, McDonald of Lake, Neal, Price, Reese, Schermerhorn, Sherrod, Sloss, Smith of Bartholomew, Steele, Todd, Van Sandt, Vawter, Wagner, Ward, Whitcomb, Williams of Lagrange, and Wright—48.



*Those who voted in the negative were,*

Messrs. Adams, Ayres, Branson, Crowe, Dobbins, Douglass, Early, Herod, Lane, Massey, Marvin, Modesitt, Moore, Shoulders, Trippet, Wallace, Wiley, Williams of Knox, Williamson, and Mr. Speaker.—20.

So the House proceeded to the consideration of

#### ORDERS OF THE DAY.

House bill No. 220. A bill to prohibit the issue of bank notes for circulation by the bank of the State of Indiana upon deposits, and to provide for the location of additional branches of said bank, with the pending instructions of Mr. Dobbins,

Was taken up.

Mr. Dobbins withdrew his instructions.

Mr. Lane moved to recommit the bill with the following instructions:

To amend by prohibiting the bank from discounting on deposits.

Pending which,

On motion by Mr. Moore,

The House adjourned.

1½ O'CLOCK P. M.

The House met.

The question at adjournment being on recommitting the bill with Mr. Lane's instructions.

Mr. McDonald of Lake moved a call of the previous question. Which motion was seconded by the House.

The question being, shall the main question be now put?

The ayes and noes were demanded by Messrs. Lane and Herod.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Austin, Ballenger, Batterton, Bethell,

Blake, Bowman, Boyd, Branham, Branson, Brown, Clapp, Claypool, Colgrove, Conner of Hamilton, Crawford, Cullen, Davis of Hendricks, Duncan, Evans, Harrison, Hawkins, Hoagland, Humphreys, Jefferis, Kerr, Larue, Lewis, Mercer, Merrifield, Modesitt, McDonald of Fountain, McDonald of Lake, Neal, Price, Reese, Sherrod, Shuman, Sloss, Smith of Bartholomew, Steele, Stillwell, Stone, Taggart, Van Sandt, Vawter, Wagner, Ward, Whitcomb, Wiley, Williams of Lagrange, Wright, and Mr. Speaker—54.

*Those who voted in the negative were,*

Messrs. Ayres, Bryan, Clark, Conner of Wabash, Conduitt, Crowe, Dobbins, Douglass, Early, Grose, Hayden, Landiss, Lane, Massey, Marvin, Moon, McGinnis, Shoulders, Slicer, Todd, Trippet, and Williams of Knox—22.

So it was agreed to.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Austin, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Brown, Clapp, Claypool, Colgrove, Conner of Hamilton, Crawford, Davis of Hendricks, Evans, Harrison, Hawkins, Hoagland, Humphreys, Jefferis, Kerr, Larue, Lewis, Mercer, Merrifield, McDonald of Fountain, McDonald of Lake, Neal, Price, Reese, Sherrod, Shuman, Sloss, Steele, Taggart, Van Sandt, Vawter, Wagner, Ward, Whitcomb, Williams of Lagrange, and Wright—45.

*Those who voted in the negative were,*

Messrs. Ayres, Conner of Wabash, Conduitt, Cullen, Dobbins, Douglass, Duncan, Early, Grose, Hayden, Massey, Moon, Reyman, Smith of Bartholomew, Stillwell, Todd, Trippet, Williams of Knox, and Mr. Speaker—19.

No quorum voting.

So the bill did not pass.

On motion by Mr. Wagner,  
A call of the House was ordered.

The Clerk proceeded with the call, when the following members answered to their names :

Messrs. Abel, Adams, Austin, Ayres, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Clapp,

Clark, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Hendricks, Dobbins, Douglass, Duncan, Early, Edson, Evans, Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Jefferis, Kerr, Landiss, Lane, Larue, Lewis, Massey, Mercer, Merrifield, Modesitt, Moon, Moore, McDonald of Fountain, McDonald of Lake, McKinney, Neal, Price, Reese, Reyman, Sherrod, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Steele, Stillwell, Stone, Studabaker, Taggart, Todd, Trippet, Van Sandt, Vawter, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Wright, and Mr Speaker—81.

On motion,  
The further call of the House was suspended.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Austin, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Brown, Clapp, Claypool, Colgrove, Conner of Hamilton, Crawford, Davis of Hendricks, Evans, Harrison, Hawkins, Hoagland, Humphreys, Jefferis, Kerr, Larue, Lewis, Mercer, Merrifield, McDonald of Fountain, McDonald of Lake, Neal, Price, Reese, Sherrod, Shuman, Sloss, Stone, Taggart, Van Sandt, Vawter, Wagner, Ward, Whitcomb, Williams of Lagrange, and Wright—46.

*Those who voted in the negative were,*

Messrs. Bryan, Conner of Wabash, Conduitt, Cullen, Dobbins, Douglass, Duncan, Early, Grose, Hayden, Lane, Massey, Moon, McGinnis, Reyman, Smith of Bartholomew, Stillwell, Todd, Williams of Knox, and Mr. Speaker.—20.

No quorum voting.

So the bill did not pass.

On motion by Mr. McDonald of Lake,  
A call of the House was ordered.

The clerk proceeded with the call, when the following members answered to their names :

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Clapp, Claypool, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Hendricks, Dobbins, Duncan, Edson, Evans,

Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Jefferis, Kerr, Landiss, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moon, Moore, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neal, Neff, Reese, Reyman, Sherrod, Shoulders, Slicer, Sloss, Steele, Stone, Studabaker, Taggart, Todd, Trippet, Van Sandt, Wallace, Ward, Whitcomb, Williams of Knox, Williams of Lagrange, Williamson, Wright, and Mr. Speaker—73.

On motion,  
The further call of the House was suspended.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Austin, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Brown, Clapp, Claypool, Colgrove, Conner of Hamilton, Crawford, Davis of Hendricks, Evans, Harrison, Hawkins, Hoagland, Humphreys, Jefferis, Kerr, Larue, Lewis, Mercer, Merrifield, McDonald of Fountain, McDonald of Lake, Neal, Price, Reese, Sherrod, Shuman, Sloss, Steele, Stone, Taggart, Van Sandt, Vawter, Wagner, Ward, Whitcomb, Williams of Lagrange, and Wright—46.

*Those who voted in the negative were,*

Messrs. Conner of Wabash, Conduitt, Cullen, Dobbins, Douglass, Duncan, Early, Grose, Hayden, Massey, Marvin, Moore, Neff, Reyman, Smith of Bartholomew, Stillwell, Todd, Williams of Knox and Mr. Speaker—20.

No quorum voting,

So the bill did not pass.

Mr. Claypool moved that the House adjourn.  
Which was not agreed to.

On motion by Mr. McDonald of Lake,

A call of the House was ordered

The clerk proceeded with the call when the following members answered to their names:

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Batterton, Blake, Bowman, Boyd, Branham, Claypool, Conner of Hamilton, Conner of Wabash, Crowe, Cullen, Davis of Hendricks, Denby, Dobbins, Douglass, Duncan, Early, Evans, Grose, Harrison,

Hawkins, Herod, Hoagland, Humphreys, Hutchings, Jefferis, Lane, Larne, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moon, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neal, Neff, Price, Reese, Reyman, Ricketts, Schermerhorn, Sherrod, Shoulders, Shuman, Sloss, Smith of Bartholomew, Steele, Stillwell, Stone, Studabaker, Taggart, Todd, Van Sandt, Vawter, Wallace, Ward, Williams of Knox, Williams of Lagrange Wright, and Mr. Speaker—71.

On motion,  
The further call of the House was suspended.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Austin, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Brown, Clapp, Claypool, Colgrove, Conner of Hamilton, Crawford, Davis of Hendricks, Evans, Harrison, Hawkins, Hoagland, Humphreys, Jefferis, Kerr, Larue, Lewis, Mercer, Merrifield, McDonald of Fountain, McDonald of Lake, Neal, Price, Reese, Sherrod, Shuman, Sloss, Steele, Stone, Studabaker, Van Sandt, Vawter, Wagner, Ward, Whitcomb, Williams of Lagrange, and Wright—47.

*Those who voted in the negative were,*

Messrs. Allen, Ayres, Conner of Wabash, Conduitt, Cullen, Denby, Dobbins, Douglass, Duncan, Early, Grose, Hayden, Massey, Marvin, Moon, Schermerhorn, Smith of Bartholomew, Stillwell, Todd, Wiley, Williams of Knox, and Mr. Speaker—22.

So the bill did not pass for want of a constitutional majority.

A message from the Senate by Mr. Harvey, their Secretary.

MR SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill thereof, viz:

No. 178. A bill to prevent emigration from one county in this State to another, for the purpose of influencing or carrying the election in such other county, and prescribing penalty against persons aiding, abetting, counseling or engaged therein; with sundry amendments thereto

In which the concurrence of the House of Representatives is respectfully requested.

Mr. Studabaker moved to amend as follows :

And disfranchise such length of time as the court or jury trying the cause may deem reasonable and just.

Which was not agreed to.

The question being, shall the House concur in the engrossed amendment of the Senate.

The ayes and noes were demanded by Messrs. Crawford and Ballenger.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Austin, Ayres, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Bryan, Clapp, Clark, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Crowe, Cullen, Davis of Hend'ks, Denby, Dobbins, Douglass, Duncan, Early, Evans, Grose, Hawkins, Hayden, Humphreys, Jeffers, Kerr, Landiss, Lane, Larue, Lewis, Mercer, Merrifield, Modesitt, Moon, Moore, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neal, Neff, Price, Reyman, Robbins, Schermerhorn, Sherrod, Shuman, Slicer, Sloss, Smith of Bartholomew, Steele, Stone, Stillwell, Studabaker, Taggart, Trippet, Van Sandt, Vawter, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, and Wright—76.

*Those who voted in the negative were,*

Messrs. Herod, Marvin, Shoulders and Mr. Speaker—4.

So the House concurred in the engrossed amendment of the Senate.

*Ordered,* That the clerk inform the Senate thereof.

On motion by Mr. Humphreys,

House bill No. 360. A bill making general appropriations for the years 1857 and 1858.

Was taken up and read a third time.

Mr. Grose moved to re-commit the bill with the following instructions :

Amend section 3, so that the \$13,000 allowed for the supply of water, be granted upon the condition that a supply cannot be obtained by wells at the hospital, and if the same can be obtained by the latter means, then the appropriation shall not exceed \$5,000.

The amendment was unanimously agreed to.

H. J.—66.



Mr Grose offered the following additional amendment :

That all improvements shall be done upon contract to the lowest responsible bidder.

Which was unanimously adopted.

Mr. Mercer moved to re-commit with the following instructions :

Strike out one thousand dollars for Governor's House.

Which was not agreed to.

Mr. Smith of Bartholomew offered the following instructions :

Strike out one thousand dollars for Governor's House, and insert five hundred per annum.

Which was not agreed to.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Adams, Allen, Ayres, Bethell, Blake, Bowman, Boyd, Branson, Brown, Bryan, Conduitt, Crowe, Cullen, Denby, Dobbins, Douglass, Duncan, Early, Evans, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Kerr, Landiss, Lane, Lewis, Massey, Marvin, Merrifield, Modesitt, McDaniel, McDonald of Lake, McGinnis, McKinney, Price, Reese, Reyman, Schermerhorn, Sherrod, Shoulders, Shuman, Sloss, Steele, Stillwell, Studabaker, Taggart, Todd, Wallace, Ward, Whitcomb, Williams of Knox, Williams of Lagrange, Williamson, Wright, Yater and Mr. Speaker.

—60.

*Those who voted in the negative were,*

Messrs. Batterton, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Edson, Grose, Jefferis, Larue, Mercer, Moon, Neal, Neff, Smith of Bartholomew, Van Sandt, and Vawter—16.

So the bill passed.

*Ordered.* That the Clerk inform the Senate thereof.

On motion by Mr. Kerr,

House bill No. 315, a bill concerning promissory notes, bills of exchange, bonds, or other instruments of writing, signed by any person who promises to pay money or acknowledges money to be due or to perform any stipulation therein mentioned, making the same negotiable by endorsement thereon, regulating recovery under the

same, damages, charges, rate of exchange, days of grace, and other matters pertaining to the value, transfer, and collection of such instruments.

Was taken up and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Allen, Ayres, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branson, Brown, Bryan, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Crowe, Davis of Hendricks, Denby, Dobbins, Duncan, Early, Edson, Evans, Grose, Hawkins, Hayden, Herod, Hoagland, Humphreys, Jefferis, Kerr, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, McDaniel, McDonald of Fountain, McDonald of Lake, McGinnis, Price, Reyman, Schermerhorn, Sherrod, Shoulders, Sloss, Smith of Bartholomew, Stone, Studabaker, Taggart, Todd, Van Sandt, Vawter, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Lagrange, Williamson, Wright, and Mr. Speaker—63.

*Those who voted in the negative were,*

Messrs. Moore, McKinney, Neal, Robbins, Trippet, and Williams of Knox—6.

So the bill passed.

*Ordered,* That the clerk inform the Senate thereof.

On motion by Mr. Steele,

House bill No. 314. A bill to authorize the formation of new counties, and to change county boundaries.

Was taken up and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Ayres, Ballenger, Bethell, Blake, Bowman, Boyd, Brown, Bryan, Claypool, Colgrove, Crawford, Crowe, Cullen, Davis of Hendricks, Denby, Duncan, Early, Edson, Evans, Harrison, Hawkins, Hayden, Herod, Hoagland, Jefferis, Kerr, Lane, Larne, Massey, Marvin, Mercer, Merrifield, Modesitt, Moore, McDaniel, McDonald of Fountain, Price, Robbins, Schermerhorn, Sherrod, Shoulders, Sloss, Smith of Bartholomew, Steele, Stillwell, Stone, Van Sandt, Vawter, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Lagrange, Williamson, and Wright—58.

*Those who voted in the negative were,*

Messrs. Austin, Branson, Clapp, Clark, Conner of Wabash, Dobbins, Grose, Moon, Neal, Todd, Trippet, Williams of Knox, and Mr. Speaker—13.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

On motion by Mr. Schermerhorn,

House bill No. 306. A bill to amend section 32, and to repeal sections 33, 34 and 35 of an act, entitled an act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duty of assessors, appraisers of real property, county treasurers and auditors and the Treasurer and Auditor of State, approved June 21, 1852.

Was taken up and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Austin, Ayres, Ballenger, Blake, Boyd, Branson, Brown, Bryan, Clapp, Claypool, Colgrove, Conner of Wabash, Conduitt, Cullen, Denby, Dobbins, Douglass, Duncan, Evans, Grose, Harrison, Hawkins, Hayden, Herod, Lane, Larue, Lewis, Massey, Merrifield, Modesitt, Moon, McDaniel, McDonald of Fountain, McGinnis, McKinney, Neff, Price, Reese, Reyman, Schermerhorn, Sherrod, Shuman, Sloss, Smith of Bartholomew, Steele, Stone, Trippet, Van Sandt, Vawter, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of La-grange, and Wright—68.

*Those who voted in the negative were,*

Messrs. Bowman, Clark, Crawford, Crowe, Early, Edson, Marvin, Mercer, Moore, Neal, and Mr. Speaker—11.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

On motion by Mr. Schermerhorn,

House bill No. 336. A bill to amend an act, entitled an act relation to applying certain funds therein named, to the pay

ment of the public debt, approved June 18, 1852, and for raising the rate of taxation for said purpose.

Was taken up, and

On motion,

Laid on the table.

On motion by Mr. Conner of Wabash,

House bill No. 246. A bill to repeal the repealing clause of section 57 in an act entitled an act for the incorporation of insurance companies, defining their powers and prescribing their duties, approved June 17th, 1852, and to revive the act incorporating the Madison and marine insurance company.

Was taken up and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Ayres, Ballenger, Blake, Branson, Brown, Bryan, Clapp, Clark, Colgrove, Conner of Wabash, Crawford, Crowe, Cullen, Dobbins, Duncan, Evans, Grose, Harrison, Hayden, Hoagland, Humphreys, Jeffers, Lane, Larue, Lewis, Mercer, Merrifield, Modesitt, Moon, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neal, Neff, Price, Robbins, Sherrod, Shuman, Smith of Bartholomew, Steele, Stillwell, Stone, Studabaker, Van Sandt, Vawter, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, and Wright—57.

*Those who voted in the negative were,*

Messrs. Bowman, Conduitt, Douglass, Early, Edson, Herod, Moore, Schermerhorn, Sloss, Trippet, Yater, and Mr. Speaker—12.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

On motion by Mr. Blake,

House bill No. 230. A bill to amend the 2d section of an act entitled an act to provide for the re-location of county seats, and for the erection of public buildings in counties in case of such re-location, approved March 2, 1855, and to provide for the relief of property holders in towns in which county seats may be removed.

Was taken up, and read a third time.

On motion by Mr. Smith of Perry,  
The bill was laid on the table.

By unanimous consent,  
Mr. Sherrod, chairman of the committee on ways and means,  
introduced,

House bill No. 364. A bill making specific appropriations for  
the year 1857.

Which was read a first time.

Mr. Sherrod moved to suspend the rules and read the bill a second time by its title now.

The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Brown, Bryan, Clapp, Clark, Claypool, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Hendricks, Dobbins, Douglass, Duncan, Early, Edson, Evans, Harrison, Hayden, Herod, Hoagland, Humphreys, Kerr, Landiss, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Moon, McDaniel, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neal, Price, Reyman, Schermerhorn, Sherrod, Shoulders, Shuman, Slicer, Sloss, Smith of Bartholomew, Steele, Stillwell, Stone, Studabaker, Trippet, Vawter, Wagner, Wallace, Whitcomb, Wiley, Williams of Knox, Williamson, Wright, and Mr. Speaker—72.

No member voting in the negative.

So the rules were suspended and the bill read a second time by its title.

On motion by Mr. Blake,  
Referred back to the committee on ways and means.

On motion by Mr. Smith of Bartholomew,

Joint resolution No. 15. In regard to printing the acts of 1857.  
Was taken up and read a third time.

Mr. Grose moved to indefinitely postpone the joint resolution.

The ayes and noes were demanded by Messrs. Smith of Bartholomew and Clapp.

*Those who voted in the affirmative were,*

Messrs. Allen, Austin, Clapp, Colgrove, Conner of Wabash, Cullen, Davis of Hendricks, Grose, Hawkins, Hayden, Herod, Jefferis, Kerr, Landiss, Marvin, Merrifield, Moon, Price, Reyman, Schermerhorn, Slicer, Vawter, Wagner, Whitcomb, Wiley, Williams of Lagrange, and Wright—29.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Blake, Bowman, Boyd, Branson, Brown, Bryan, Claypool, Conduitt, Crawford, Crowe, Dobbins, Duncan, Early, Edson, Evans, Harrison, Humphreys, Lane, Larue, Lewis, Massey, Mercer, Moore, McDaniel, McDonald of Fountain, McDonald of Lake, McGinnis, Robbins, Sherrod, Shoulders, Shuman, Smith of Bartholomew, Studabaker, Todd, Trippet, Wallace, Ward, Williams of Knox, and Mr. Speaker—40.

So the joint resolution was not indefinitely postponed.

Mr. Neal moved to re-commit with the following instructions:

Strike out three thousand, and insert five hundred and fifty copies.

Which was not agreed to.

Mr. Moore moved to recommit with instructions:

To strike out three thousand, and insert one thousand.

Which was not agreed to.

The question being, shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Bowman, Bryan, Claypool, Clark, Conduitt, Crowe, Cullen, Dobbins, Duncan, Early, Edson, Harrison, Hoagland, Lane, Larue, Lewis, Massey, Modesitt, Moore, McDaniel, McDonald of Lake, McGinnis, McKinney, Shoulders, Sherrod, Smith of Bartholomew, Studabaker, Todd, Trippet, Ward, Williams of Knox, Williamson, and Mr. Speaker—34.

*Those who voted in the negative were,*

Messrs. Austin, Ayres, Bethell, Boyd, Branson, Clapp, Colgrove, Conner of Wabash, Crawford, Davis of Hendricks, Douglass, Evans, Grose, Hawkins, Hayden, Herod, Jefferis, Kerr, Landiss, Marvin, Mercer, Merrifield, Moon, Neal, Price, Slicer, Sloss,



Steele, Stone, Vawter, Wagner, Whitcomb, Wiley, Williams of Lagrange and Wright—35.

So the joint resolution did not pass for want of a constitutional majority.

On motion by Mr. Merrifield,

House bill No. 352. A bill to amend sections 56 and 74 of an act to fix the time of holding courts of common pleas, and the length of the terms thereof, in the several counties of this State, and repealing the former laws in reference thereto, approved March 3, 1855.

Was taken up, and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Austin, Ayres, Blake, Bowman, Boyd, Branson, Brown, Bryan, Clapp, Conduitt, Crawford, Crowe, Cullen, Davis of Hendricks, Dobbins, Douglass, Duncan, Early, Edson, Evans, Grose, Harrison, Hawkins, Hayden, Herod, Humphreys, Landiss, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moon, Moore, McDaniel, McDonald of Lake, McGinnis, Neal, Price, Reyman, Schermerhorn, Sherrod, Shoulders, Slicer, Sloss, Steele, Stone, Todd, Trippet, Van Sandt, Vawter, Wagner, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Wright and Mr. Speaker—68.

No member voting in the negative.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

On motion by Mr. Herod,

House bill No. 285. A bill to repeal an act entitled an act authorizing Joseph Quinn and James Norvell to erect bridges, approved January 13, 1845, and also to repeal the act declaratory of and to amend the aforesaid act, approved January 19, 1846.

Was taken up and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Bethell, Blake, Bowman, Branson, Bryan, Clark, Claypool, Colgrove, Conner of

Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Hendricks, Dobbins, Douglass, Duncan, Early, Edson, Evans, Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Moon, Moore, McDaniel, McDonald of Lake, McGinnis, Neal, Reyman, Schermerhorn, Sherrod, Shoulders, Shuman, Slicer, Sloss, Steele, Taggart, Todd, Trippet, Van Sandt, Vawter, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, and Mr. Speaker.—66.

*Those who voted in the negative were,*

Messrs. Brown, Clapp, and Williamson—3.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

By unanimous consent,  
Mr. Shuman introduced,

Joint resolution No. 22. A joint resolution in reference to an extra session of the legislature.

Which was read a first time and ordered to a second reading.

On motion by Mr. Wagner,

House bill No. 283. A bill to provide for collecting and publishing agricultural, mechanical and manufacturing statistics of the State.

Was taken up and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Austin, Batterton, Bethell, Branson, Brown, Claypool, Conner of Wabash, Conduitt, Crawford, Davis of Hendricks, Dobbins, Edson, Evans, Grose, Hawkins, Hayden, Hoagland, Jeffers, Lane, Larue, Massey, Mercer, Merrifield, Moon, McDonald of Lake, McGinnis, Reyman, Sherrod, Shuman, Steele, Stone, Todd, Trippet, Van Sandt, Vawter, Wagner, Wallace, Ward, Williams of Knox, Williamson, and Wright—42.

*Those who voted in the negative were,*

Messrs. Allen, Ayres, Bowman, Clapp, Clark, Crowe, Cullen, Douglass, Duncan, Early, Herod, Humphreys, Kerr, Landiss, Lewis, Marvin, Moore, McKinney, Shoulders, Slicer, Sloss, Studabaker,

Taggart, Whitcomb, Wiley, Williams of Lagrange, and Mr. Speaker—27.

So the bill did not pass for want of a constitutional majority.

A message from the Senate by Mr. Harvey, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill of the House of Representatives, viz :

No. 21. A bill to appraise the real estate of the State of Indiana, and to make such appraisement uniform throughout the State.

With one amendment, in which the concurrence of the House of Representatives is respectfully requested.

The bill and amendment contained in the foregoing message were,

On motion by Mr. Marvin,

Referred to the committee on ways and means,

On motion by Mr. Grose,

Senate bill No. 136. A bill to amend the 30th section of an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries and for the regulation thereof,

Was taken up, read a second time, and

On motion by Mr. Grose,

Referred to a select committee, consisting of Messrs. Grose, Williams of Lagrange and Van Sandt.

By unanimous consent,

Mr. Larue introduced,

Joint Resolution No. 23, directing the Attorney General to lay before the judges of the supreme court his report and opinions and testimony in relation to the claims of Moorehead, Hall & Co., and Wright & Bacus against the State of Indiana.

Which was read a first time and ordered to a second reading.

Mr. Todd, from the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills have compared House bill No. 352 with the original bill, and find it correctly engrossed.

Mr. Marvin, chairman of the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills have compared engrossed House bill No. 255 with the original, and find it correctly engrossed.

Mr. Davis of Hendricks, from the committee on engrossed bills, made the following report :

MR. SPEAKER :

The committee on engrossed bills have examined No. 330, and compared the same with the original and find it correct.

Mr. Crowe, chairman of the committee on enrolled bills, made the following report :

MR. SPEAKER :

The committee on enrolled bills have compared enrolled bills of the House Nos. 46, 129, 242, 88, and 84 with the engrossed copies thereof, and find the same correctly enrolled.

On motion by Mr. Conner of Wabash,  
The House adjourned.

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FRIDAY MORNING, 8½ o'clock, }  
March 6th, 1857. }

The House met.

The clerk proceeded to read the journal,  
When,

On motion by Mr. Ward,  
The further reading of the journal was dispensed with.

On motion by Mr. Conner of Hamilton,  
Leave was granted him to withdraw from the committee on ways and means the petition of John D. Stephenson.

## REPORTS FROM COMMITTEES.

Mr. Carnahan, from a select committee, made the following report:

MR. SPEAKER :

The select committee of three, to whom was referred Senate bill No. 101, a bill to authorize county auditors, recorders and surveyors, to re-copy maps, plats, and field notes, when the original copies are worn or defaced, and prescribing the duties of county commissioners in relation thereto, and to repeal an act entitled an act to authorize county auditors and recorders to re-copy maps and plats when the original copies are worn or defaced, approved June 15, 1852; have had the same under consideration, and have directed me to report it back to the House, and recommend its passage.

Which report was concurred in, and the bill ordered to a third reading.

Mr. Moore, from the committee on county and township business, made the following report :

MR SPEAKER :

The committee on county and township business, to whom was referred House bill No. 361, a bill to repeal section I of an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof, approved March 5, 1855, have had the same under consideration, and directed me to report it back with accompanying amendment, and when so amended to recommend its passage.

Strike out the word repeal at the close of said act, and insert the words, "amended so as to read as follows: No taxes shall be levied upon or collected from negroes or mulattoes, for school purposes under this act; nor shall the children of negroes or mulattoes be included in any enumeration required by this act, or entitled to any of the benefits thereof,

Was taken up, the pending amendment adopted, and the bill ordered to be engrossed.

Mr. Edson, from a select committee, made the following report :

MR. SPEAKER :

The select committee of 13, to whom was referred House bill No. 168, a bill to re-organize the fifth, ninth, tenth, eleventh, and twelfth judicial circuits, and to fix the time of holding circuit courts therein, have had the same under consideration, and a majority of said committee have directed me to report the same back to the House, and to recommend its indefinite postponement.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Conner of Wabash, from the judiciary committee, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 351, entitled a bill for the relief of persons who have bought canal, swamp, or other lands belonging to the State, and sold at any land office, have had the same under consideration, and direct me to report the same back to this House and recommend its indefinite postponement, the committee deeming it inexpedient to enact such a law.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Studabaker, from the committee on the rights and privileges of the inhabitants of the State, made the following report :

MR. SPEAKER :

The committee on the rights and privileges of the inhabitants of the State, to whom was referred House bill No. 355, an act to prevent the spread of hog cholera by contagion, and prescribing certain penalties in relation thereto, have had the same under consideration, and direct me to report the same back with amendments thereto, and when so amended, recommend its passage.

Amend by striking the 1st section out after the enacting clause and insert the following :

“That every person who shall remove or permit to be removed, his or her hog or hogs that have died with the disease commonly known as hog cholera, from his or her premises on which they died, shall upon conviction, be fined in any sum not less than twenty-five dollars nor more than one hundred dollars.”

Amend sec 2d by striking out these words, “or having reasonable ground to believe ”

Which report was concurred in, the amendment adopted, and the bill ordered to be engrossed.



By unanimous consent,  
On motion by Mr. Dobbins,

*Resolved*, That the members of this House, without regard to political opinions, return their heart-felt thanks to the Hon. Ballard Smith, Speaker of the House of Representatives, for the impartial and dignified manner he has discharged the duties of the office, and for his untiring efforts to discharge business.

Mr. Kerr, from the committee on the judiciary, made the following report:

MR. SPEAKER :

The committee on the judiciary, to whom was referred House bill No. 353, entitled a bill to amend section 76 of an act entitled an act defining misdemeanors and prescribing the punishment therefor, approved June 14, 1852, have had the same under consideration, and directed me to report the same back to the House and recommend its indefinite postponement, the committee deeming it unnecessary and therefore inexpedient, to enact any law for the purpose contemplated in this bill.

Which report was concurred in and the bill indefinitely postponed.

Mr. Grose, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred House bill No. 136, a bill to amend the 30th section of an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof, have had the same under consideration, and have directed me to report the same back without amendment, and recommend its passage.

Which report was concurred in, and the bill ordered to a third reading.

Mr. Larue moved to reconsider the vote taken on concurring in the report of the committee on the judiciary on Senate bill No. 30.

Which was not agreed to.

By unanimous consent,  
On motion by Mr. Branson,

*Resolved*, That it is the imperative duty of every member of this House to remain here, and not go home, till the end of the session, unless compelled to do so by reason of sickness.

Mr. Stillwell, chairman of the committee on fees and salaries, made the following report:

MR. SPEAKER;

The committee on fees and salaries, to whom was referred Senate bill No. 34, a bill to amend section 5 of an act entitled an act regulating the fees of officers, and repealing former acts in relation thereto, approved March 2, 1855, have had the same under consideration, and as there has been a bill passed by this House covering the same act, they recommend its indefinite postponement.

Which report was concurred in, and the bill indefinitely postponed.

#### SENATE BILLS ON THIRD READING.

Senate bill No. 62. A bill to amend the third section of an act to regulate the title of all those who purchased swamp lands of the United States after the date of the donation of swamp lands by the State of Indiana, approved March 5, 1855.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Allen, Austin, Ayres, Ballenger, Batterton, Bethell, Bowman, Boyd, Branson, Brown, Bryan, Clapp, Clark, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Davis of Sullivan, Dobbins, Duncan, Early, Edson, Grose, Hayden, Herod, Hoagland, Jefferis, Kerr, Landiss, Lane, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moore, McDaniel, McDonald of Lake, McGinnis, McKinney, Neal, Price, Reese, Reyman, Shoulders, Slicer, Sloss, Smith of Delaware, Steele, Stillwell, Studabaker, Taggart, Todd, Trippet, Van Sandt, Vawter, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Wright, and Mr. Speaker—71.

No member voting in the negative.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Senate bill No. 36. A bill to provide for a change of venue in civil cases on account of prejudice of the presiding judge.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Allen, Austin, Ayres, Ballenger, Batterton, Bethell, Blake, Bowman, Branson, Brown, Bryan, Clapp, Clark, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Davis of Hendricks, Davis of Sullivan, Dobbins, Duncan, Early, Edson, Grose, Harrison, Hawkins, Herod, Jefferis, Landiss, Lane, Lewis, Mercer, Merrifield, Modesitt, Moore, McDaniel, McGinnis, McKinney, Neal, Price, Reyman, Shoulders, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Studabaker, Taggart, Vawter, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Wright, and Mr. Speaker—62.

*Those who voted in the negative were,*

Messrs. Crowe, Hoagland, Marvin, Trippet, and Wallace—5.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Senate bill No. 56. A bill to provide for the relief and support of married women when deserted by their husbands, and children when deserted by their parents by the sale of property.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Batterton, Bowman, Boyd, Branson, Brown, Bryan, Clapp, Clark, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Crowe, Davis of Hendricks, Davis of Sullivan, Dobbins, Duncan, Early, Edson, Evans, Grose, Harrison, Hawkins, Hoagland, Jefferis, Kerr, Landiss, Lane, Lewis, Massey, Mercer, Merrifield, Modesitt, Moore, McDaniel, McDonald of Lake, McGinnis, McKinney, Neal, Neff, Price, Reese, Reyman, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Stone, Studabaker,

Taggart, Vawter, Wallace, Ward, Wiley, Williams of Knox, Williams of Lagrange, and Williamson—65.

*Those who voted in the negative were,*

Messrs. Marvin, Trippet, and Mr. Speaker—3.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

Senate bill No. 4. A bill to authorize the appointment of some person to hold the common pleas court in case of the absence or sickness of the judge.

Was read a third time,

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Ayres, Ballenger, Batterton, Bowman, Boyd, Branham, Branson, Brown, Bryan, Clapp, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Cawtord, Cullen, Davis of Hendricks, Davis of Sullivan, Duncan, Early, Edson, Evans, Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Lane, Larue, Lewis, Massey, Marvin, Mercer, Modest, McDaniel, McDonald of Lake, McGinnis, Neal, Neff, Price, Schermerhorn, Sherrod, Sheer, Sloss, Smith of Delaware, Stillwell, Stone, Studabaker, Taggart, Van Sandt, Vawter, Wallace, Ward, Williams of Knox, Williams of Lagrange, Williamson, Wright, and Mr. Speaker—65.

*Those who voted in the negative were,*

Messrs. Dobbins, Moore, McKinney, and Trippet—4.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

On motion by Mr. Neff,

House bill No. 240. A bill to amend section 17 of an act entitled an act to regulate prosecutions in cases of bastardy, and providing for the support of illegitimate children, approved May 6th, 1852.

Was taken up and read a third time.

The question being, shall the bill pass?

H. J.—67.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Ballenger, Bethell, Bowman, Branson, Brown, Bryan, Clark, Claypool, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Cullen, Davis of Hendricks, Davis of Sullivan, Duncan, Early, Grose, Hawkins, Hayden, Jefferis, Kerr, Lane, Lewis, Massey, Mercer, Merrifield, Modesitt, McGinnis, McKinney, Neal, Neff, Price, Reese, Reyman, Sherrod, Slicer, Sloss, Stillwell, Stone, Studabaker, Taggart, Todd, Van Sandt, Vawter, Wallace, Ward, Whitcomb, and Wright—52.

*Those who voted in the negative were,*

Messrs. Ayres, Boyd, Clapp, Colgrove, Crowe, Dobbins, Douglass, Harrison, Herod, Hoagland, Landiss, Larue, Marvin, Moore, McDonald of Lake, Smith of Delaware, Trippet, Williams of Knox, Williams of Lagrange, Wiley, and Mr. Speaker—20.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

Senate bill No. 136 A bill to amend the 30th section of an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Austin, Ayres, Ballenger, Bethell, Bowman, Boyd, Branson, Brown, Bryan, Clapp, Clark, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Davis of Hendricks, Davis of Sullivan, Dobbins, Duncan, Early, Evans, Grose, Hawkins, Hayden, Hoagland, Jefferis, Kerr, Lane, Larue, Lewis, Massey, Mercer, Merrifield, Modesitt, Moore, McDaniel, McDonald of Lake, McGinnis, McKinney, Neal, Price, Reese, Reyman, Schermerhorn, Sherrod, Slicer, Sloss, Steele, Stillwell, Taggart, Todd, Trippet, Van Sandt, Vawter, Wallace, Ward, Whitcomb, Wiley, Williamson, Wright, and Mr. Speaker—65.

*Those who voted in the negative were,*

Messrs. Crowe, Douglass, Harrison, and Herod—4.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 72. A bill to amend the 1st section of an act entitled an act authorizing proceedings to try the right of property seized by virtue of any writ of execution or attachment, and claimed by any person other than the execution or attachment defendant, approved June 10, 1852.

Was read a third time,

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Austin, Ayres, Ballenger, Bethell, Branson, Conner of Hamilton, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Denby, Douglass, Early, Edson, Harrison, Hayden, Hoagland, Jefferis, Kerr, Lane, Lewis, Modesitt, Price, Sherrod, Van Sandt, Vawter, Wiley, Williams of Knox, Williamson, Wright and Mr. Speaker—32.

*Those who voted in the negative were,*

Messrs. Bowman, Boyd, Bryan, Clapp, Clark, Conner of Wabash, Crawford, Dobbins, Duncan, Hawkins, Herod, Marvin, Moore, Neal, Reyman, Shoulders, Slicer, Sloss, Taggart, Trippett, Ward, Whitcomb, and Williams of Lagrange—25.

No quorum voting,

So the bill did not pass.

On motion by Mr. Conner of Wabash,

A call of the House was ordered.

The clerk proceeded with the call when the following members answered to their names:

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Bethell, Bowman, Boyd, Branson, Brown, Bryan, Clapp, Clark, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Jefferis, Kerr, Lane, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moore, McDaniel, McDonald of Lake, McGinnis, Neal, Neff, Price, Reese, Reyman, Sherrod, Shoulders, Slicer, Smith of Delaware, Stillwell, Steele, Studabaker, Taggart, Todd, Trippett, Van Sandt, Vawter, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Wright, and Mr. Speaker—76.



On motion,  
The further call of the House was suspended.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Kerr, Larue, Price, Sloss, Vawter, Williams of Knox, and Williamson.—12.

*Those who voted in the negative were,*

Messrs. Ayres, Batterton, Bethell, Bowman, Boyd, Branson, Brown, Bryan, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Cullen, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Evans, Harrison, Hawkins, Hayden, Humphreys, Jefferis, Lane, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moon, Moore, McDaniel, McDonald of Lake, McGinnis, McKinney, Neal, Neff, Reyman, Sherrod, Shoulders, Slicer, Steele, Stillwell, Studabaker, Taggart, Todd, Trippet, Van Sandt, Wagner, Wallace, Ward, Whitcomb, Wiley, Wright and Mr. Speaker—62.

So the bill did not pass.

On motion by Mr. Crawford,

House bill No. 244. A bill to amend section 17 of an act providing for the organization of county boards, and prescribing some of their powers and duties, approved June 17, 1852, so as to enable county commissioners to borrow twenty thousand dollars for county purposes.

Was taken up and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were.*

Messrs. Ayres, Ballenger, Bethell, Blake, Brown, Clapp, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Denby, Douglass, Evans, Harrison, Hawkins, Hayden, Hoagland, Kerr, Lewis, Mercer, Merrifield, Moore, McDonald of Lake, Neal, Neff, Price, Reese, Smith of Bartholomew, Steele, Stone, Trippett, Van Sandt, Vawter, and Williams of Lagrange—39.

*Those who voted in the negative were,*

Messrs. Abel, Adams, Allen, Bowman, Boyd, Branson, Conduitt, Dobbins, Duncan, Early, Edson, Herod, Humphreys, Jefferis, Lane, Larue, Massey, Marvin, Modesitt, Moore, McDaniel, McDonald

of Fountain, McGinnis, Reyman, Schermerhorn, Shoulders, Shuman, Slices, Sloss, Stillwell, Studabaker, Taggart, Todd, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williamson, Wright, and Mr. Speaker.—41.

So the bill did not pass.

Mr. Schermerhorn, from the committee on ways and means, made the following report :

**MR. SPEAKER:**

The committee on ways and means, to whom was referred House bill No. 21, as amended by the Senate, "an act to appraise the real estate of the State of Indiana, and to make such appraisal uniform throughout the State:" have had the same under consideration, and direct me to report the same back to the House and recommend that the House concur in the engrossed amendment of the Senate, with the following amendment:

Amend by striking out all after the words "that the board," in second line of section one, and insert the following :

"Of commissioners, in conjunction with the county auditor of each county within the State, shall, immediately after the publication of this act, appoint a suitable and competent person in each county in this State, as appraiser of the real estate of such county, which appraiser may appoint an assistant or assistants, not to exceed five in number.

Sec. 2. Every appraiser, including such assistant appraisers so appointed, shall, before entering on the duties of his said office, take and subscribe an oath or affirmation, before any officer authorized to administer oaths. (which oath shall be endorsed on the certificate of his appointment,) that he will faithfully and impartially, to the best of his ability, appraise all of the lands and town lots situated in his county at their cash value; a copy of which certificate, together with the oath endorsed thereon, shall be filed with the county auditor.

Sec. 3. If any person appointed appraiser, shall fail to take and subscribe such oath or affirmation within ten days after his appointment, said office shall be held vacant, and the auditor shall at once fill such vacancy by appointment.

Sec. 4. Each county Auditor shall immediately make out lists by civil townships, of all lands and town lots entered on the duplicate of the preceding year, correcting the same by entering thereon all transfers which may have been made subsequent to such duplicate, and all new entries and other lands and town lots taxable within his county not previously entered for taxation, and deliver the same to the appraiser from time to time, as the same are completed—so that the whole shall be delivered before the 1st

day of April 1857. And said Auditor shall also prepare a plat of each civil township in his county, divided into sections and quarter sections, and deliver the same to the appraiser, with said lists, and it shall be the duty of said appraiser to designate the lands of each owner on such plat: *Provided*, however, that such plats shall not be necessary when lands are laid off in town lots.

Sec. 5 The appraiser of each county with his assistants, shall, between the first Monday in March and the first Monday in June next, list and appraise all the real estate in such county subject by law to taxation, as follows, to-wit: such appraiser shall, on actual view, make a true valuation—

*First*—Of all lands, together with a valuation of all buildings and other improvements thereon, or affixed thereto, at their cash value, taking into consideration the quality and fertility of the soil, the vicinity of the same to roads of every description, cities, towns or villages, navigable rivers or canals, water privileges on or near the same, with any and all other local advantages of situation.

*Second*—Of every in-lot and out-lot subject to taxation, in all the towns, cities, and villages, with a valuation of all improvements thereon or affixed thereto, at their cash value, upon actual view of the premises, taking into consideration every local advantage of situation.

Sec. 6. The appraiser shall call upon each and every land holder resident in his county, for a list of all lands, in-lots and out-lots, owned or held by such person lying within such county, and subject to taxation, which list shall particularly set forth the names of the owner or owners, the number of acres in each tract of land, the range, township, section, quarter section, lot or part thereof, or the number of the entry, location or survey, and water course, as the nature of the survey may require, and if the same cannot be described by the congressional survey, then it shall be described by the metes and bounds, so as to designate and identify the same, and in the French and English grants, or Clark's grant, shall set forth the quantity of land contained in the original survey, of which the tract listed is a part, subject to the provisions of the eighth section of this act. The number of the entry, water course, and the name of the original proprietor; also, all in-lots and out-lots, owned and held as aforesaid, with the number thereof, as described on the recorded plat of said town, or part thereof, if it has been subdivided; which statement shall be made out by the person assessed, or by the appraiser from information given by such person, and shall be signed by the person making it.

Sec. 7. If the owner or owners of any property required to be listed and appraised by the preceeding section, shall be non-resident, absent, unable, or shall refuse to give in a list thereof, then the appraiser shall make a list thereof according to the best information he can obtain, subject to the eighth section of this act,

in the name of the owner, if known, or in the name of the person to whom the same is now listed, but if not listed and the owner's name is unknown, then it shall be entered in the column of names that the owner is unknown, and the appraiser is hereby authorized to examine on oath or affirmation, any person touching the amount and value of such lands.

Sec. 8. The appraiser in determining the quantity of lands in the several tracts within his county, shall be governed by the following rules: Whenever the owner, or person in whose name the tract is listed, shall hold by deed from another party, or from the State of Indiana, or by patent from the United States, such deed or patent, if the quantity be therein stated, shall be taken as evidence of the quantity therein described; but if such tract has been surveyed since the congressional survey, and it shall satisfactorily appear that such tract contains a greater or less quantity than that named in the deed or patent, then the appraiser shall list the true quantity as ascertained by such subsequent survey. If the owner, or person in whose name any lands are listed within the French or English grants, or Clark's grant, shall hold under an original survey or entry, with or without the patent therein, the appraiser shall require the owner or holder to have the same surveyed by the county surveyor, or other competent person, and to return the quantity under the certificate of such surveyor attested by oath or affirmation, within thirty days after such owner shall have been called on to list his lands for taxation; and if any such owner or holder shall refuse or neglect to survey and list his lands as herein provided, or if non resident of the county, then the appraiser shall have such lands surveyed and returned as aforesaid, and the expense of such survey shall be paid from the county treasury, and by the county auditor assessed against such lands in the succeeding year, and collected in the same manner as taxes are collected thereon: *Provided*, that if the same has been previously surveyed by the county surveyor, and a certificate of survey other than that under the original entry, shall be produced to the appraiser, and if he be satisfied from other competent evidence under oath, that the quantity returned is correct, and that no surplus exists in the original survey, he shall enter and return the same for taxation without further survey.

Sec. 9. The appraiser shall complete his list, taken as before provided, placing on the same opposite to each tract of land listed, the value without improvements, and also in another column opposite, the value of the improvements erected thereon or affixed thereto, and opposite to each town lot or part of lot, whether in-lot or out-lot, the value of the same, and also the appraised value of all buildings and other improvements, erected thereon or affixed thereto.

Sec. 10. The appraiser shall at the time of making the appraisal and taking the list required by the preceding sections

of this act, inform the owner or owners, his, her, or their agent or representative, if residing within the county, or shall leave a memorandum at his, her, or their residence, of the amount at which his, her, or their real estate has been appraised respectively, and of the time when the board of equalization for the county will meet, for the purpose of hearing and determining grievances, and to equalize taxes within the same.

Sec. 11. For the purpose of enabling the appraiser to determine the value of buildings and other improvements, he is hereby required to enter, with the consent of the owner or occupant thereof, and fully examine all buildings and structures of whatever kind, which are not by the laws of the State expressly exempted from taxation.

Sec. 12. Each appraiser shall, on or before the first Monday of June next, make out and deliver to the auditor of his county, a return by civil townships, in tabular form and alphabetical order, contained in a book to be furnished him by such auditor, of the amount, description and value of all the real estate subject to be listed for taxation in his county, which return shall contain:

*First*—The names, arranged in alphabetical order, of the several persons, companies or corporations, in whose names the several parcels of real estate other than town property, in each township within his county, shall have been listed, and in appropriate columns opposite each name, the description of each parcel of such real estate listed in such name, and the value of each separate parcel of such real property as determined by the appraiser from actual view.

*Second*—The names in alphabetical order of the several persons, companies, or corporations, in whose names the several parcels of real estate, in any town or towns in his county shall have been listed, and in appropriate columns opposite each name, the description of each parcel of real property in each town in his county, and the value thereof as determined by the appraiser as above specified; and such return shall distinctly set forth the name, or names of the owner, or owners of each separate parcel of real property, if known, and if unknown, that fact shall be set forth; also, a correct and pertinent description of each separate parcel of land, or real property, and if a town lot, or part thereof, the name of the town, the number or other description of the lot, and if a parcel of such lot, then, the proportion and situation thereof, and the extent in feet along the principal street on which it shall abut. If the parcel of real property be other than a town lot or parcel thereof, the number of acres, the land district, the range, the number of township, the number of the section, tract, lot, or subdivision of either as the case may require. If such land be situated in the French or English grant, or Clark's grant, or is not embraced in any land district, it shall set forth the original survey or surveys, part or parts thereof, contained in each separate par-

cel so listed ; and if any separate parcel of land shall so comprehend the whole, or parts of any two or more sections, lots, tracts, or surveys, then the statement shall set forth as nearly as may be, the number of acres taken from each section, lot, tract or survey included in such parcel.

SEC. 13. Each appraiser shall take and subscribe an oath, which shall be certified by the magistrate, or other officer administering the same, and attached to the return which he is required to make to the county auditor, in the following form : I, ———, appraiser for the county of ———, in the State of Indiana, do solemnly swear that the return to which this is attached contains a correct description of each parcel of real property within said county, as far as I have been able to ascertain the same ; that the value attached to each parcel in said return is, as I verily believe, the full and true cash value thereof, estimated agreeably to the rules prescribed in the act ; that, in no case, have I knowingly omitted to demand a statement of the description and value of all the real estate which the appraiser is required by said act to list, or in any way connived at any violation or evasion of any of the requirements of said act, in relation to listing or valuing of real estate.

Such return shall be kept at the office of said county auditor for the inspection of any owner of property listed thereon, until the first Monday in June, 1857, as aforesaid. And the county auditor shall give four weeks public notice, by advertisement in a newspaper, (if one be published in the county,) and if no paper is printed in the county, by advertisement posted at the court house door, and at some public place in each township, of the time and place, when and where, the special board of equalization for each county will meet, for the purpose of hearing and determining grievances, and to equalize taxes therein.

SEC. 14. The board of commissioners, auditor, and appraiser of each county respectively, shall constitute a special board of equalization for such county, and shall, on the first Monday of June, 1857, meet at the usual place of meeting of the county commissioners. The county auditor shall present to such board the returns of the appraiser, and the board, or a majority of them, shall hear and determine the complaint of any owner, or owners, by themselves, agent, or attorney, touching the appraisement of any property listed and appraised on said return, and shall correct the same, as right and justice may require, but such corrections shall be made by equalizing the valuation.

SEC. 15. The appraisers shall each be allowed for the time necessarily employed in the performance of their duty, two dollars and fifty cents per day, to be paid out of the county treasury. Each appraiser shall present his account, verified by oath, stating the number of days and parts of days, and the date of each day employed, but it shall not be allowed until the commissioners are satisfied it is correct, and until the return of appraisements accu-



rately made out and looted up, and delivery of the statements is made to the county auditor, and each member of the board of equalization shall receive two dollars and fifty cents per day, while employed as such, to be paid out of the county treasury.

SEC. 16. If any appraiser shall neglect any part of the duty required from him by law as such appraiser, the county board may make such deduction from his account as they may deem just and reasonable, and any such neglect or fraud committed by any appraiser, in making or returning his appraisements, shall be a misdemeanor, and for each offense the appraiser shall be fined not exceeding five hundred dollars.

SEC. 17. The appraiser shall enter in a column provided for the purpose, opposite the name of every person, company, or corporation required to list real estate, and who has refused to furnish the list required by law, these words, 'refused to list.'

SEC. 18. Such appraiser shall, at the time of making his return, also deliver to the county auditor all the statements of property which he shall have received from persons required to list real estate, arranged in alphabetical order, and such auditor shall file and preserve the same in his office.

SEC. 19. If any county auditor, upon receiving the returns made by any appraiser, shall be satisfied that he has omitted any parcel of lands, town lot, or part of either within the county, which it was his duty to return, such auditor may require such appraiser to correct such omission, and the appraiser shall within ten days correct all such omissions, and make return thereof to such auditor, and the correction shall be made upon the list of appraisements.

SEC. 20. Each county auditor shall, from time to time, as he may discover any errors in the description or quantity of any land, town lots, or parts of either, correct the same upon the list of real property of his county.

SEC. 21. Each county auditor shall, on or before the first Monday in March, 1857, procure at the expense of the county a sufficient number of the blank lists, forms, and instructions required by this act or by the Auditor of State, and deliver the same to the appraiser. And the Auditor of State shall, immediately after the passage of this act prepare and transmit to the several county auditors all such forms and instructions as shall be necessary to carry into effect the provisions of this act.

SEC. 22. The board of equalization of each county in this State shall meet on the first Monday of June next.

SEC. 23. The appraisement of the real estate made in pursuance of the provisions of this act shall constitute the basis upon which the taxes within the State shall be assessed for the ensuing five years, and until a reappraisement is provided by law, and all laws or parts of laws that contravene any provisions of this act are hereby repealed.

SEC. 24. That an act entitled an act to provide for equalizing

the appraisement for taxation on the real property of the State of Indiana, approved May 28, 1852, be and the same is hereby repealed.

SEC. 25. Inasmuch as by the provisions of this act the officers therein named are required to enter upon the discharge of their duties before the acts of this session are published, an emergency exists for the immediate taking effect of this act, therefore, this act shall be in force from and after its passage and publication in the Indiana Journal and Indiana State Sentinel, and the Auditor of State shall forward a copy of this act to each county auditor as soon as the same is published.

Which report was concurred in and the amendment adopted.

By unanimous consent,

Mr. Bethell, from a select committee made the following report :

MR. SPEAKER :

The select committee, to whom was referred House bill No. 83, a bill to more particularly define the boundary line between the counties of Gibson and Warrick, have had the same under consideration, and have directed me to return the same to the House and recommend its indefinite postponement, and ask to be discharged.

Which report was concurred in, and the bill indefinitely postponed.

On motion by Mr. Wright,

House bill No. 348. A bill for the benefit of the Ohio falls marine railroad company.

Was taken up and read a third time.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Austin, Ayres, Ballenger, Batterton, Blake, Bowman, Boyd, Branson, Brown, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Duncan, Early, Evans, Harrison, Hawkins, Hayden, Jefferis, Kerr, Landiss, Lane, Lewis, Massey, Mercer, Modesitt, Moon, McDaniel, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Price, Reese, Reyman, Sherrod, Slicer, Sloss, Smith of Delaware, Steele, Stone, Taggart, Todd, Van Sandt, Vawter, Wagner, Wallace, Ward, Whitcomb, Williams of Lagrange, Williamson, and Wright—61.

*Those who voted in the negative were,*

Messrs. Douglass, Edson, Herod, Hoagland, Humphreys, Larue, Marvin, Merrifield, Moore, Neal, Neff, Shoulders, Stillwell, Studabaker, Trippet, Wiley, Williams of Knox, and Mr. Speaker—18.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

On motion by Mr. Duncan,

House bill No. 214. A bill for the protection of farms from destruction by fire.

Was taken up and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Austin, Ayres, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branham, Branson, Brown, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Crowe, Cullen, Davis of Hendricks, Denby, Duncan, Early, Edson, Evans, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Jefferis, Kerr, Lane, Lewis, Massey, Modesitt, Moon, Moore, McDonald of Fountain, McDonald of Lake, McGinnis, Neal, Neff, Price, Reese, Reyman, Schermerhorn, Sherrod, Shoulders, Slicer, Sloss, Smith of Delaware, Steele, Stillwell, Stone, Taggart, Van Sandt, Vawter, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Knox and Williamson—18.

*Those who voted in the negative were,*

Messrs. Conduitt, Davis of Sullivan, Larue, Mercer, Merrifield, McDaniel, Studabaker, Todd, Trippett, Williams of Lagrange, and Mr. Speaker—11.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Humphreys, from a majority of the committee on free conference, made the following report:

MR. SPEAKER:

A majority of the committee of the House appointed to act with a similar committee on the part of the Senate, to apportion the

State into Senatorial and Representative districts, beg leave to report, that said committee have had three meetings, and have failed to agree upon a bill, and ask to be discharged from the further consideration of the subject, believing that the bill which passed the House of Representatives is a fair, just and equitable apportionment of the State of Indiana.

Which report was concurred in and the committee discharged.

By unanimous consent,

Mr. Humphreys, from the majority of the committee on apportionment, introduced,

House bill No. 365. A bill to declare the meaning of the second section of an act entitled an act to apportion Senators and Representatives for the next five years, approved February 13th, 1851, and to extend the same until the passage of a law upon the subject embraced in the title to said act.

Which was read a first time.

Mr. Humphreys moved to suspend the rules and read the bill a second time by its title now.

The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Ayres, Ballenger, Blake, Bowman, Boyd, Branson, Brown, Bryan, Clapp, Clark, Claypool, Conner of Hamilton, Conner of Wabash, Conduitt, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Grose, Hayden, Herod, Humphreys, Kerr, Landiss, Lane, Larue, Massey, Marvin, Merrifield, Modesitt, Moon, Moore, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neff, Price, Reese, Reyman, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Steele, Stillwell, Stone, Studabaker, Taggart, Trippet, Vawter, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Wright, and Mr. Speaker—68.

*Those who voted in the negative were,*

Messrs. Batterton, Colgrove, Crawford, Davis of Hendricks, Edson, Evans, Harrison, Hawkins, Hoagland, Jefferis, Mercer, McDaniel, Neal, Sloss, Smith of Delaware, and Van Sandt—16.

So the rules were suspended and the bill read a second time by its title, and

On motion by Mr. Humphreys,

Referred to a select committee of eleven, one from each congressional district, consisting of Messrs. Humphreys, Williams of

Knox, Sherrod, Smith of Bartholomew, Hayden, Grose, Conduitt, Larue, Merrifield, Williams of Lagrange, and Studabaker.

By unanimous consent,

Mr. Marvin, from the committee on elections, made the following report:

MR. SPEAKER:

The committee on elections, to whom was referred House resolution requiring them to report on the Rush county contested election case March 6, respectfully report that a portion of said committee were engaged nearly all of yesterday, March 5, in taking the testimony of witnesses, and that they propose hearing an argument in said case to-day, and consequently it is impossible for them to report before March 7th, to-morrow.

Which report was concurred in.

On motion by Mr. Lane,

House bill No. 330. A bill to amend an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof, approved March 5, 1855.

Was taken up, and read a third time.

Mr. Marvin moved to re-commit the bill with the following instructions:

To strike out all relating to levying and collecting a tax for township libraries.

The ayes and noes were demanded by Messrs. Marvin and Lane.

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Batterton, Boyd, Branson, Bryan, Clapp, Clark, Colgrove, Conduitt, Crowe, Davis of Sullivan, Douglass, Edson, Evans, Hayden, Herod, Humphreys, Landiss, Marvin, Modesitt, Moore; McGinnis, McKinney, Neff, Reese, Reyman, Schermerhorn, Sherrod, Shoulders, Slicer, Sloss, Steele, Stillwell, Stone, Taggart, Trippett, Van Sandt, Vawter, Ward, Whitcomb, Wiley, Williams of Knox Williams of Lagrange, Williamson and Wright—46.

*Those who voted in the negative were,*

Messrs. Ayres, Bowman, Conner of Wabash, Crawford, Cullen,

Davis of Hendricks, Denby, Dobbins, Duncan, Grose, Hoagland, Jefferis, Lane, Larue, Lewis, Massey, Mercer, Merrifield, Moon, Neal, Price, Smith of Bartholomew, Studabaker, Todd, and Wagner—26.

So the bill was re-committed with instructions.

On motion by Mr. Humphreys,

The following message from the Governor, by Mr. Osborne, his Secretary, was taken up.

MR. SPEAKER :

I am directed by the Governor to return to the House of Representatives, House bill No. 46, with his objections thereto :

*Gentlemen of the House of Representatives :*

I herewith return to you without approval, act No. 46, which originated in the House of Representatives, entitled an act for the improvement of agriculture, and to enable persons owning overflowed or swamp lands to drain the same.

This act provides in substance, that the owner of any lands desiring to drain the same, may, whenever it becomes necessary to construct a ditch across the lands of any other persons, that he may enter upon said lands, survey and locate said ditch, summon the owner thereof before a justice of the peace, whereupon a jury shall be selected to hear the evidence of witnesses and examine the premises, and then proceed to estimate the amount of damages sustained, and benefits conferred by the construction of such ditch.

And if in their judgment, the amount of benefits conferred exceed the damages sustained, then said drain shall be constructed, and the excess of benefits shall be paid by the owner of said land thus entered upon.

I consider this provision of the bill, which is to be found in section 9, to be in violation of sec. 21, art. 1, of the constitution of the State of Indiana, which provides that no man's property shall be taken by law without just compensation, nor in case of the State, without such compensation first assessed and tendered. In my opinion it was never intended by the constitution to authorize the legislature by law, to permit one citizen to occupy and improve the property of another citizen, and compensate him for thus interfering with his rights by any imaginary benefits which he may confer by such occupancy or improvement.

The rights of eminent domain unquestionably is vested in the State. She may transfer that to citizens under some circumstances, but I am not persuaded that the State, under the constitution



has the power to appropriate the property of a private citizen to his use, and compensate him therefor, by the benefits which a jury may suppose the citizen may receive, from thus being deprived of his property. But this act goes even further, and allows a judgment to be rendered in favor of one citizen and against another, when the latter has done no wrong, committed no trespass upon his neighbor, but must suffer for "supposed benefits accruing to him for an invasion of his rights."

Respectfully submitted,

ASHBEL P. WILLARD.

The question being on the passage of the bill, the objections of the Governor to the contrary, notwithstanding.

Messrs. McDonald of Lake, and Conner of Wabash, were excused from voting.

*Those who voted in the negative were,*

Messrs. Allen, Austin, Ayres, Bethell, Blake, Bowman, Boyd, Branson, Bryan, Clapp, Claypool, Conner of Hamilton, Conduitt, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Evans, Grose, Harrison, Hayden, Herod, Hoagland, Humphreys, Landiss, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moon, Moore, McDonald of Fountain, McKinney, Neal, Neff, Reese, Reyman, Schermerhorn, Sherrod, Shoulders, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Stone, Studabaker, Taggart, Todd, Trippett, Vawter, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Wright, and Mr. Speaker—75.

*Those who voted in the affirmative were,*

Messrs. Colgrove, Crawford, Davis of Hendricks, Jefferis, Price, Van Sandt, and Wagner—7.

So the objections of the Governor were sustained.

Mr. Whitcomb, from the committee on claims, made the following report :

MR. SPEAKER :

The committee on claims, to whom the claim of Daniel M. Jones of \$20 for services rendered as prosecuting attorney in the Vermillion circuit court, and \$50 for similar services in the Fountain circuit court, in pursuance of the appointments of the judges of said courts, when the attorney elect failed to appear, have had the same under consideration, and directed me to make the following report :

The fifth section of an act to provide for the election and certain duties of prosecuting and district attorneys, provides that when any prosecuting attorney or district attorney shall fail to attend any court of his circuit or district, the judge of said court shall appoint an attorney to act for the term, and it further provides that if said appointment shall be made in the circuit court, that in addition to the docket fees for said term the attorney so appointed shall receive such additional compensation as the court may deem reasonable to be drawn from the State treasurer on the allowance of the court, which allowance shall be deducted from the salary of such prosecutor. In pursuance of this act it appears by a certified copy from the clerk of the Fountain circuit court, that the said Daniel M. Jones was appointed in the absence of the attorney elect, at a term of said court, and that he served during said term, but does not show that the judge authorized any allowance for said services, therefore it is the opinion of the committee, that this charge of fifty dollars is not sustained by the law, and that so much of said claim shall not be paid.

As to the balance of said claim which is for the sum of \$20, it appears from a certified copy of the clerk of Vermillion circuit court, that said Daniel M. Jones, in pursuance of the law herein before mentioned, was appointed by the judge of said court, and that for services rendered at said term, the said judge ordered that he be allowed the sum of twenty dollars, with a full knowledge of the fact that the House has heretofore refused to concur in the report of this committee when it had reported in favor of the payment of a similar claim. The committee would respectfully submit that without a total disregard of the plain provisions of the law referred to, we cannot do otherwise than report in favor of the payment to the said Jones the sum of twenty dollars for his services in the Vermillion circuit court. In behalf of the State the committee would therefore recommend that the committee on ways and means make provisions for the same in the specific appropriation bill, and asked to be discharged from the further consideration of the subject.

On motion by Mr. Colgrove,  
The report was laid on the table.

Mr. Hayden, from the committee on claims, made the following report:

MR. SPEAKER:

The committee on claims, to whom was referred the claim of Samuel B. Gookins, as special prosecutor in the Sullivan circuit court, upon an allowance by said court of \$15, beg leave to report in favor of said claim, and recommend the committee on ways and means to include the same in the specific appropriation bill, and

H. J.—68.

the committee ask to be discharged from further consideration of the matter.

On motion by Mr. Moore,  
The report was laid on the table.

Mr. Hayden, from the committee on claims, made the following report :

**MR. SPEAKER :**

The committee on claims, to whom was referred a resolution of the House in regard to an allowance to Messrs. Meredith, Buskirk and Newcomb, who were appointed a committee to investigate so much of the report of the committee of ways and means as relates to State scrip, with power to send for persons and papers, by the last legislature to ascertain the alleged over issue and redemption of treasury notes, and to fix the compensation of the clerk of said committee, beg leave to report in favor of an allowance of \$200 to each of the members of said committee, and 250 to H. C. Newcomb, clerk of said committee, in full for said services, and recommend the committee of ways and means to include the same in the specific appropriation bill, and ask to be discharged from the further consideration of said claim.

Mr. Claypool moved to strike out "two hundred," and insert "two hundred and fifty."

Which was not agreed to.

The report was concurred in.

Mr. Denby, from the committee on elections, made the following report :

**MR. SPEAKER :**

The committee on elections, to whom was referred the certificates of the election of members of the House of Representatives, have examined the same, and have directed me to report that the following named persons were duly elected and returned members of this House at the general election on second Tuesday of October, 1856. and are as follows :

From the county of Adams	David Studabaker,
" " Allen	Pliney Hoagland,
" " Bartholomew	Francis P. Smith,
" " Blackford	Andrew J. Neff,
" " Boone	Henry M. Marvin and Edmond Herod,
" " Brown	William Taggart,
" " Carroll	Bernard F. Schermerhorn,

From the county of Cass	William J. Cullen,
" " Clark	James L. Wallace,
" " Clay	George W. Duncan and James W. Modesitt,
" " Clinton	John W. Blake,
" " Crawford	John Landess,
" " Daviess	Thornton A. Slicer,
" " Dearborn	John Lewis and George W. Lane,
" " Decatur	Davies Batterton,
" " Dekalb and } Thomas B. Sloss	
" " Steuben } S. B. Ward,	
" " Delaware	Marcus C. Smith,
" " Dubois	Thomas Shoulders,
" " Elkhart	Milton Mercer,
" " Fayette	Charles M. Stone,
" " Floyd	Michael C. Kerr,
" " Fountain	Ezekiel McDonald,
" " Franklin	Spencer Wiley and Levi Ayres,
" " Fulton	Alfred H. Robbins,
" " Gibson	Caleb Trippet,
" " Grant	Thomas J. Neal,
" " Green	Andrew Humphreys.
" " Hamilton	Alexander H. Conner,
" " Hancock	Thomas D. Walpole,
" " Harrison	Benjamin P. Douglass,
" " Hendricks	John Davis,
" " Henry	William Geose and Nathan H. Ballenger,
" " Howard and } Marion P. Evans,	
" " Tipton }	
" " Huntington } Adam McDaniel	
" " and Welis }	
" " Jackson	S. S. Early,
" " Jasper and } John Reese,	
" " Pulaski }	
" " Jay	Joseph J. McKinney,
" " Jefferson	John W. Hutchings and David C. Branham,
" " Jennings	Smith Vawter,
" " Johnson	Dillard Ricketts,
" " Knox	James D. Williams,
" " Kosciusko	George Moon,
" " Lagrange	Samuel P. Williams,
" " Lake	Alexander McDonald,
" " Laporte	George Crawford,
" " Lawrence	Robert Boyd,
" " Madison	Tho. N. Stillwell and T. G. Clark,
" " Marion	Robert N. Todd and Jonathan W. Gordon.

From the county of Marshall	{	Eli Brown,
and Stark	}	
"	"	Martin
"	"	Cutler S. Dobbins,
"	"	Miami
"	"	Reuben C. Harrison,
"	"	Monroe
"	"	Elias Abel,
"	"	Montgomery
"	"	Joseph Allen,
"	"	Morgan
"	"	Alexander B. Conduitt,
"	"	Noble
"	"	William M. Clapp,
"	"	Orange
"	"	William F. Sherrod,
"	"	Owen
"	"	George W. Moore,
"	"	Parke
"	"	George K. Steele,
"	"	Perry
"	"	Ballard Smith,
"	"	Pike
"	"	George W. Massey,
"	"	Porter
"	"	Andrew B. Price,
"	"	Posey
"	"	M. T. Carnahan and William P. Edson,
"	"	Putnam
"	"	William F. McGinnis,
"	"	Randolph
"	"	Silas Colgrove,
"	"	Ripley
"	"	Abram Yater
"	"	Scott
"	"	Samuel S. Crowe,
"	"	Shelby
"	"	Thomas A. McFarland,
"	"	Spencer
"	"	Stephen D. Williamson,
"	"	St. Joseph
"	"	George C. Merrifield,
"	"	Sullivan
"	"	John W. Davis and Michael Branson,
"	"	Switzerland
and Ohio	}	John W. Wright and John J. Hayden,
"	"	Tippecanoe
"	"	John M. Larne,
"	"	Union
"	"	Elijah Van Sandt,
"	"	Vanderburg
"	"	Charles Denby,
"	"	Vermillion
"	"	John Whitcomb,
"	"	Vigo
"	"	William H. Bryan and Solomon Claypool,
"	"	Wabash
"	"	James D. Conner,
"	"	Warren
"	"	George D. Wagner,
"	"	Warrick
"	"	Thomas F. Bethell,
"	"	Washington
"	"	John W. Reyman and John A. Bowman,
"	"	Wayne
"	"	James W. Austin, William C. Jeffers and Henry W. Shuman,
"	"	White and
Benton	}	William Hawkins,
"	"	Whitley
"	"	Lewis Adams,

Which report was concurred in.

On motion by Mr. Steele,

House bill No. 275, a bill to authorize the removal of any free bank to a place of greater commercial importance,  
Was taken up and read a third time,

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Bethell, Blake, Boyd, Branson, Brown, Bryan, Clapp, Clark, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Davis of Hendricks, Davis of Sullivan, Denby, Douglass, Duncan, Grose, Harrison, Hawkins, Hayden, Hoagland, Jefferis, Kerr, Landiss, Larrue, Lewis, Mosser, Mercer, Merrifield, Modesitt, Moon, McDonald of Fountain, McDonald of Lake, Neal, Price, Reese, Reyman, Slicer, Sloss, Smith of Bartholomew, Steele, Stillwell, Studabaker, Taggart, Todd, Trippet, Van Sandt, Vawter, Wallace, Ward, Whitcomb, Wiley, Williams of Lagrange, and Williamson—63.

*Those who voted in the negative were,*

Messrs. Bowman, Crowe, Dobbins, Early, Edson, Herod, Humphreys, Marvin, Moore, McGinnis, McKinnay, Neff, Schermerhorn, Sherrod, Williams of Knox, and Mr. Speaker—15.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

Mr. Sherrod, from the committee on ways and means, made the following report :

MR. SPEAKER :

The committee on ways and means, to whom was referred House bill No. 364, with instructions, making specific provisions for the payment of witnesses who have been summoned and attended before the committee on elections, &c., have had that subject under consideration, and in obedience to said instructions report the following amendment, to-wit :

Sec. —. That all witnesses who have been summoned and have attended before the committee on elections of the House, be allowed the usual fee for attendance on circuit courts, and that the sergeant-at-arms be allowed the usual fees and mileage of sheriff's, the same to be certified by the chairman and attested by the clerk of said committee.

The committee also report the following amendment without instructions, to-wit :

Amend the 2d section by adding after the word "Representatives" in the 3d line, the words "and the second Assistant Door-keeper of the House of Representatives."



Sec. —. That the fees of the justices of the peace, notaries public, sheriffs, constables, clerks, and witnesses, in taking depositions in said election cases prior to the meeting of the legislature, as the same have been certified in said depositions now on file before the House committee, be paid; also the sum of one hundred dollars to P. A. Hackleman, and the like sum to Lafe Develin, for services and expenses in said cases, are hereby allowed.

Sec. —. That the Superintendent of the hospital for the insane shall receive three hundred dollars annually; and the Superintendent of the institution for the deaf and dumb, two hundred dollars annually, for their services in superintending improvements provided for in this act, and in the general appropriation act.

Mr. Moore moved to strike out all that part that relates to attorney's fees.

Mr. Smith of Bartholomew moved to strike out "one hundred" and insert "fifty."

Which was not agreed to.

The question then recurring on Mr. Moore's amendment.

The ayes and noes were demanded by Messrs. Smith of Bartholomew and Moore.

*Those who voted in the affirmative were,*

Messrs. Allen, Ayres, Branson, Bryan, Crowe, Duncan, Herod, Lane, Modesitt, Moore, Price, Smith of Bartholomew, Taggart, and Williams of Knox—14.

*Those who voted in the negative were,*

Messrs. Austin, Ballenger, Bethell, Blake, Bowman, Boyd, Brown, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Davis of Hendricks, Denby, Dobbins, Douglass, Early, Edson, Grose, Harrison, Hawkins, Hayden, Hoagland, Humphreys, Jefferis, Kerr, Landiss, Larue, Lewis, Massey, Marvin, Mercer, Merrillfield, Moon, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neal, Reese, Reyman, Schermerhorn, Sherrod, Shoulders, Slicer, Sloss, Steele, Stillwell, Todd, Trippet, Van Sandt, Vawter, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Lagrange, Williamson, and Mr. Speaker—60.

So the amendment was not adopted.

The report was concurred in.

On motion by Mr. Colgrove,  
The House adjourned.

1½ O'CLOCK P. M.

**The House met.**

Mr. Williams of Knox moved to amend House bill No. 364, pending adjournment, as follows :

Strike out four dollars where it occurs for clerks and doorkeepers, and insert three dollars.

On motion by Mr. Humphreys,

The bill and pending amendment were made the special order of the day at 3 o'clock.

Mr. Lane, chairman of the committee on education, made the following report :

**MR. SPEAKER :**

The committee on education, to whom was referred House bill No. 330, a bill to amend an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof, approved March 5, 1855, with special instructions : have had the same under consideration, and direct me to report that section sixteen, which amends section 129, providing for a tax for township libraries, be stricken from the bill, and when so amended recommend its passage.

Which report was concurred in, and

On motion by Mr. Douglass,

The bill was re-committed with the following instructions :

. Strike out that part of the section in relation to the penalty of the auditor for failing to make his report.

#### JOINT RESOLUTIONS ON SECOND READING.

No. 22. A joint resolution with reference to an extra session of the legislature.

Was taken up and read a second time, and

On motion by Mr. Bethell,

The joint resolution was indefinitely postponed.

No. 23. A joint resolution directing the attorney general to lay before the judges of the supreme court his report and opinions

and testimony in relation to the claims of Morehead, Hall & Co., and Wright and Barcus against the State of Indiana.

Was read a second time, and

On motion by Mr. Bethell,

Laid on the table.

On motion by Mr. Van Sandt,

No. 18. A joint resolution on the subject of the African slave trade and for the purpose of African colonization.

Was taken up and read a third time, and

On motion by Mr. Claypool,

The joint resolution was laid on the table.

A message from the Senate by Mr. Harvey, their Secretary.

MR SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills of the House, viz:

No. 237. A bill to regulate the sale of spirituous, vinous, malt, or intoxicating liquors; with one amendment.

In which the concurrence of the House of Representatives is respectfully requested.

On motion by Mr. McDonald of Lake,

The bill and amendment contained in the foregoing message, was made the special order of the day for 4 o'clock.

On motion by Mr. Cullen,

House bill No. 319. A bill to cure erroneous defects and irregularities in the organization of railroad companies, legalizing their acts and doings, prescribing the rule to courts and juries in cases where such irregularities exist, providing for the withdrawal of the original articles of association, when necessary to be used in the collection of subscriptions to stock, and prescribing the rules of practice as to the production of such original articles in court.

Was taken up and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Ayres, Ballenger, Bethell, Bowman, Boyd, Branson, Brown, Bryan, Clapp, Claypool, Colgrove, Conner

of Hamilton, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Dobbins, Douglass, Duncan, Early, Edson, Hawkins, Hoagland, Kerr, Landiss, Lane, Lewis, Massey, Mercer, Modesitt, Moon, McDonald of Lake, McGinnis, Price, Reese, Reyman, Schermerhorn, Slicer, Sloss, Smith of Delaware, Steele, Stillwell, Taggart, Todd, Trippet, Vawter, Wallace, Ward and Wright—52.

*Those who voted in the negative were,*

Messrs. Conner of Wabash, Herod, Marvin, Moore, McKinney, Neal, Neff, Whitcomb, Wiley, Williamson, and Mr. Speaker—11.

No quorum voting.

So the bill did not pass.

On motion by Mr. Neal,

A call of the House was ordered.

The Clerk proceeded with the call, when the following members answered to their names :

Messrs. Abel, Adams, Allen, Ayres, Ballenger, Bethell, Blake, Bowman, Boyd, Branson, Brown, Bryan, Clapp, Clark, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Dobbins, Douglass, Duncan, Early, Edson, Harrison, Hawkins, Herod, Hoagland, Jefferis, Kerr, Landiss, Lane, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moon, Moore, McDonald of Lake, McGinnis, McKinney, Neal, Neff, Price, Reese, Reyman, Sherrod, Shoulders, Slicer, Sloss, Smith of Delaware, Steele, Stillwell, Taggart, Todd, Trippet, Whitcomb, Wiley, Williamson, Wright, and Mr. Speaker—67.

On motion,

The further call of the House was suspended.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Austin, Ayres, Ballenger, Bethell, Blake, Bowman, Boyd, Branson, Brown, Bryan, Clapp, Claypool, Colgrove, Conner of Hamilton, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Dobbins, Douglass, Duncan, Early, Evans, Hawkins, Hoagland, Jefferis, Kerr, Landiss, Lane, Lewis, Massey, Mercer, Modesitt, Moon, McDonald of Fountain, McDonald of Lake, McGinnis, Price, Reese, Reyman, Sherrod, Shoulders,

Slicer, Sloss, Smith of Delaware, Todd, Trippet, Van Sandt, Wallace, and Ward—51.

*Those who voted in the negative were,*

Messrs. Allen, Clark, Conner of Wabash, Crawford, Edson, Harrison, Herod, Marvin, Moore, McGinnis, McKinney, Neal, Neff, Steele, Taggart, Whitcomb, Wiley, Williamson, Wright, and Mr. Speaker—21.

So the bill passed.

*Ordered,* That the clerk inform the Senate thereof.

On motion by Mr. Conner of Hamilton,

House bill No. 332. A bill to amend section 2 of an act entitled an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof in accordance with the conditions of said grant, approved May 29, 1852, so as to make the bonds required of the county treasurers to correspond in amount with the amount of swamp lands in their respective counties, and directing the issue of deeds for swamp lands heretofore sold in counties where the treasurers have heretofore neglected to file the bond now required by law.

Was taken up and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Bethell, Blake, Branson, Brown, Bryan, Clapp, Claypool, Colgrove, Conner of Wabash, Crowe, Davis of Hendricks, Davis of Sullivan, Denby, Douglass, Duncan, Early, Evans, Harrison, Hawkins, Herod, Hoagland, Jefferis, Kerr, Lane, Lewis, Massey, Marvin, Mercer, Moon, McDonald of Lake, McGinnis, McKinney, Neal, Neff, Price, Reese, Reyman, Schermerhorn, Sherrod, Slicer, Sloss, Smith of Delaware, Todd, Van Sandt, Vawter, Wallace, Whitcomb, Wiley, Williamson, and Wright—54.

*Those who voted in the negative were,*

Messrs. Bowman, Boyd, Clark, Crawford, Dobbins, Edson, Landiiss, Moore, Shoulders, Stillwell, Taggart, Trippet, Ward, and Mr. Speaker—11.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

On motion by Mr. Hoagland,

House bill No. 291. A bill to amend section four of an act entitled an act for the incorporation of manufacturing and mining companies and companies for mechanical, chemical and building purposes, approved May 20, 1852.

Was taken up and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Ayres, Ballenger, Bethell, Blake, Bowman, Boyd, Brown, Bryan, Clapp, C. Grove, Conner of Hamilton, Conner of Wabash, Crawford, Crowe, Davis of Hendricks, Davis of Sullivan, Douglass, Edson, Harrison, Hoagland, Jefferis, Kerr, Landiss, Lane, Lewis, Marvin, Mercer, Moon, McDonald of Lake, McGinnis, Price, Reese, Reyman, Schermerhorn, Sherrod, Shoulders, Sloss, Smith of Delaware, Taggart, Todd, Tripp t, Van Sandt, Vawter, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Lagrange, Williamson, Wright, and Mr. Speaker—53.

*Those who voted in the negative were,*

Messrs. Austin, Branson, Denby, Dobbins, Duncan, Early, Evans, Hawkins, Herod, Massey, Modesitt, Neal, and Neff—14.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate by Mr. Harvey, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate refuse to concur in the engrossed amendment of the House to engrossed amendment of the Senate to bill of the House No. 21, a bill to appraise the real estate of the State of Indiana, and to make such appraisement uniform throughout the State.

On motion by Mr. Schermerhorn,

The House refused to recede from their disagreement in the engrossed amendment of the Senate.



Messrs. Schermerhorn, Moon and Williams of Lagrange were appointed a committee of free conference.

*Ordered*, That the clerk inform the Senate thereof.

A message from the Senate by Mr. Harvey, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bill of the House, viz:

No. 134 An act to amend the first section of an act entitled an act providing for the incorporation of bridge companies, approved March 9, 1852, so as to authorize bridge companies to construct embankments across low bottoms, receive toll and obtain the right of way—without amendment.

On motion by Mr. Conner of Wabash,

House bill No. 277. A bill defining the amount of property that shall be omitted by executors and administrators in making out their inventories.

Was taken up and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Bethell, Blake, Bowman, Boyd, Branson, Brown, Bryan, Clark, Colgrove, Conner of Wabash, Conner of Hamilton, Crawford, Crowe, Cullen, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Evans, Harrison, Herod, Hoagland, Kerr, Landiss, Lane, Lewis, Massey, Marvin, Mercer, Modesitt, Moon, Moore, McDonald of Lake, McGinnis, McKinney, Neal, Neff, Price, Reese, Reyman, Schermerhorn, Sherrod, Shoulders, Slicer, Sloss, Smith of Delaware, Stillwell, Taggart, Todd, Trippet, Van Sandt, Vawter, Wagner, Ward, Whitcomb, Wiley, Williams of Lagrange, Williamson, Wright, and Mr. Speaker—69.

*Those who voted in the negative were,*

Messrs. Ballenger, and Clapp—2.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

The hour having arrived for the special order of the day, the House by unanimous consent postponed the consideration thereof until 3½ o'clock.

Mr. Williams of Lagrange, from the committee on ways and means, made the following report :

MR. SPEAKER :

The committee on ways and means, to whom was referred Senate bill No. 63, entitled a bill to amend the 6th, 26th, 78th, 79th, 96th, 119th and 194th sections, and to repeal the 99th and 73d sections of an act, entitled an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana ; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State, approved June 21, 1852; and to provide for the assessment and taxation of banks, brokers, stock jobbers, insurance companies, trust companies, savings institutions, gas companies, and other joint stock companies whose taxation is not specifically provided for, have had the same under consideration, and have directed me to report the same back to the House with the following amendments, to-wit :

Amend the 2nd section by striking out the following words from the conclusion thereof: "And it shall be the duty of the county auditor, in computing taxes, to add fifty per cent. as damages to the taxes charged, to each and every person so returned by the assessor, as having neglected or refused to make a return of his list as in this section provided, which damages so charged shall be collected by the county treasurer as other taxes are collected."

*Second*—Amend by striking out section six, and inserting instead thereof the following: "That section one hundred and nineteen of said act, which reads as follows, to-wit: 'Whenever any tract or parcel or lot of land shall have been assessed to the different persons, and the entire tax shall have been paid by either of them, if the treasurer shall sell such land or delinquent on account of the nonpayment by the other party of the taxes assessed against him thereon, such sale shall be a dereliction of duty; and the parties demitted by such sale shall have his right of action against such treasurer personally, or on his official bond, and in such action the measure of damages shall be the same as prescribed in the preceding section.' be and the same is hereby repealed."

*Third*—Amend by striking out section seven.

*Fourth*—Amend by striking out section eight of said bill.

*Fifth*—Amend by striking out section nine in said bill.

*Sixth*—Amend section ten by striking out said section, and inserting instead thereof the following to-wit :

SEC. 10. That any bank or banking company incorporated or organized by the laws of this State other than the State bank of Indiana and its branches, shall make returns previous to the first Monday, in June annually to the Auditor of the county in which such bank or banking company is situated of the amount and value of its capital stock, and the county auditor of the county wherein such bank is situated shall enter upon his duplicate the amount of such capital stock, and it shall be assessed and taxed for State, county and all other purposes, as all other personal property situated in the county where such bank or banking association shall be located, and all such capital stock belonging to any company or corporation taxed by this act, shall be taxed in the name of such company or corporation, and not specifically to each individual owning a part thereof.

And when so amended the committee recommend its passage.

Which report was concurred in and the amendments adopted.

On motion by Mr. Sherrod,

The amendments were considered as engrossed, and the bill as amended read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Austin, Ayres, Ballenger, Bethell, Blake, Boyd, Branson, Brown, Bryan, Clark, Claypool, Conner of Hamilton, Conner of Wabash, Crawford, Crowe, Cullen, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Evans, Harrison, Hawkins, Hoagland, Jeffers, Kerr, Lane, Lewis, Massey, Mercer, Modest, Moon, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neal, Neff, Price, Reese, Reyman, Schermerhorn, Shoulders, Slicer, Sloss, Smith of Delaware, Steele, Stone, Taggart, Trippet, Van Sandt, Vawter, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Lagrange, Williamson, and Wright—63.

*Those who voted in the negative were,*

Messrs. Clapp, Edson, Herou, Landiss, Marvin, Moore, and Sherrod—7.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

Mr. Lane, chairman of the committee on education, made the following report:

MR SPEAKER :

The committee on education, to whom was referred House bill No.

330, a bill to amend an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties and matters properly connected therewith, and to establish township libraries, and for the regulation thereof, approved March 5, 1855, with special instructions, have had the same under consideration, and instruct me to report the same back to the House with the following amendment, and when so amended recommend its passage:

Amend the sixth section by striking out the closing paragraph, which reads as follows:

"And on failure to furnish such statement, he shall forfeit an equivalent of one per cent of the amount of said funds."

Which report was concurred in, and the amendment adopted.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Ayres, Batterton, Bethell, Blake, Branson, Brown, Claypool, Colgrove, Conner of Wabash, Cullen, Davis of Sullivan, Denby, Dobbins, Duncan, Harrison, Hawkins, Hoagland, Kerr, Landiss, Lane, Lewis, Massey, Marvin, Mercer, Modesitt, Moon, McGinnis, McKinney, Neal, Reese, Reyman, Sherrod, Smith of Delaware, Vawter, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Lagrange, Williamson, Wright, and Mr. Speaker—44.

*Those who voted in the negative were,*

Messrs. Adams, Allen, Austin, Ballenger, Boyd, Bryan, Clapp, Clark, Crawford, Davis of Hendricks, Douglass, Early, Edson, Evans, Herod, Jefferis, Moore, McDonald of Fountain, McDonald of Lake, Neff, Price, Slicer, Sloss, Stillwell, Taggart, Todd, Tripet, and Van Sandt—27.

So the bill did not pass for want of constitutional majority.

On motion,

House bill No. 245, a bill to amend the 207th sec. of an act entitled an act to revise, simplify, and abridge the rules, practice, pleadings, and forms, in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852, so as to authorize a change of venue in certain cases.

Was taken up, and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Austin, Ayres, Batterton, Bethell, Blake, Bowman, Boyd, Branson, Brown, Bryan, Clapp, Clark, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Cullen, Davis of Hendricks, Davis of Sullivan, Denby, Dobbins, Douglass, Duncan, Early, Edson, Evans, Harrison, Hawkins, Herod, Hoagland, Kerr, Landiss, Lane, Lewis, Massey, Marvin, Mercer, Modesitt, Moon, Moore, McDonald of Fountain, McGinnis, Neal, Reese, Reyman, Schermerhorn, Sherrod, Shoulders, Slicer, Sloss, Smith of Delaware, Stillwell, Stone, Todd, Trippet, Van Sandt, Vawter, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Lagrange, Wright, and Mr. Speaker.—68.

*Those who voted in the negative were,*

Messrs. McDonald of Lake, McKinney, Neff, Price, and Taggart—5.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

The hour having arrived for the

#### SPECIAL ORDER OF THE DAY.

The House proceeded to the consideration of House bill No. 237. A bill to regulate the sale of spirituous, vinous, malt or intoxicating liquors.

Mr. McDonald of Lake moved to concur in the amendment of the Senate, with the following amendment:

Add after the words "five hundred dollars" the following clause or words: *Provided*, That licenses may be granted for the retailing of beer, ale, wine or cider for any sum not less than ten dollars.

The ayes and noes were demanded by Messrs. Dobbins and Colgrove.

*Those who voted in the affirmative were,*

Messrs. Austin, Ayres, Bethell, Boyd, Clapp, Cullen, Lane, Lewis, Mercer, Moon, Neff, Sloss, Smith of Bartholomew, Stillwell, Stone, Studabaker, Taggart, Vawter, and Ward—42.

*Those who voted in the negative were,*

Messrs. Abel, Allen, Ballenger, Blake, Branson, Brown, Bryan,

Clark, Claypool, Colgrove, Conner of Hamilton, Conduitt, Crawford, Crowe, Davis of Hendricks, Denby, Dobbins, Douglass, Duncan, Early, Edson, Evans, Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Jefferis, Kerr, Landiss, Larue, Massey, Marvin, Merrifield, Modesitt, Moore, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neal, Price, Reese, Reyman, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Delaware, Steele, Trippet, Van Sandt, Wagner, Wallace, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Wright, and Mr. Speaker—63.

So the amendment of the Senate, with the amendment of Mr. McDonald of Lake, was not agreed to.

The question then being on concurring in the amendment of the Senate.

The ayes and noes were demanded by Messrs. McDonald of Lake and Humphreys.

*Those who voted in the affirmative were,*

Messrs. Austin, Ayres, Ballenger, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Cullen, Evans, Grose, Hawkins, Hayden, Jefferis, Larue, Mercer, Merrifield, Moon, Neal, Neff, Sloss, Smith of Bartholomew, Smith of Delaware, Stillwell, Stone, Taggart, Van Sandt, Vawter, Wagner, Ward, Williams of Lagrange, and Wright—32.

*Those who voted in the negative were,*

Messrs. Abel, Allen, Bethell, Blake, Bowman, Branson, Brown, Bryan, Clark, Claypool, Conduitt, Crowe, Davis of Hendricks, Denby, Dobbins, Douglass, Duncan, Early, Edson, Harrison, Herod, Hoagland, Humphreys, Kerr, Landiss, Lane, Lewis, Massey, Marvin, Modesitt, Moore, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Price, Reese, Reyman, Schermerhorn, Sherrod, Shoulders, Slicer, Studabaker, Trippet, Wallace, Whitcomb, Wiley, Williams of Knox, Williamson, and Mr. Speaker—50.

So the amendment of the Senate was not concurred in.

*Ordered.* That the Clerk inform the Senate thereof.

Mr. Humphreys, from a select committee, made the following report:

MR. SPEAKER:

The committee to whom was referred House bill No. 365, a bill  
H. J.—69.



to declare the meaning of the 2d section of an act entitled an act to apportion Senators and Representatives for the next five years, approved February 13, 1851, and to extend the said act until the passage of a law upon the subject embraced in the title of said act, have had the same under consideration, and have instructed me to report the same back to the House with the following amendment:

Strike out all after the enacting clause, and insert the following bill; also, amend the title so that the same shall read as follows: "an act to apportion Senators and Representatives for the next four years," and when so amended to recommend its passage.

A bill to apportion Senators and Representatives for the next four years.

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana*, That for the purpose of electing Senators to the General Assembly of said State, the same shall be and is hereby divided into fifty districts, and that each district be entitled to one Senator as follows, to-wit: The counties of Posey and Vanderburg, one; Warrick, Spencer and Posey, one; Crawford and Orange, one; Floyd, Washington and Harrison, one; Clark and Scott, one; Jefferson, one; Ohio and Switzerland, one; Gibson, Pike and Dubois, one; Knox and Daviess, one; Martin and Lawrence, one; Monroe and Brown, one; Green and Owen, one; Vigo and Sullivan, one; Clay and Putnam, one; Parke and Vermillion one; Johnson and Morgan one; Jennings and Jackson, one; Bartholomew, one; Ripley, one; Decatur, one; Dearborn, one; Franklin, one; Fayette and Union, one; Rush, one; Wayne one; Henry, one; Shelby and Hancock, one; Madison and Grant, one; Marion, one; Hendricks and Boone, one; Montgomery, one; Fountain one, Tippecanoe, one; Warren, Benton and White, one; Clinton and Carrol, one; Cass, Howard and Pulaski, one; Hamilton and Tipton, one; Randolph, one; Delaware and Blackford, one; Adams, Wells and Jay one; Whitley and Huntington one; Miami and Fulton, one; Allen, one; Wabash and Kosciusko, one; Noble, DeKalb and Steuben, one; Lagrange and Elkhart, one; St. Joseph and Marshall, one; Laporte and Stark, one; Lake, Porter and Jasper, one.

Sec. 2. That the House of Representatives shall be composed of one hundred members, which shall be and are hereby apportioned among the several counties of said State, as follows, to-wit: Posey county shall be entitled to elect one; Vanderburg, one; and Posey and Vanderburg, one jointly; Warrick and Spencer one; Perry, one; Crawford, one; Orange, one; Floyd, one; Harrison, one; Washington, one; and Harrison and Washington, one jointly; Clarke, one; Scott, one; Jefferson, two; Ohio and Switzerland, one jointly; Gibson, one; Pike, one; Dubois, one; Knox, one; Daviess, one; Martin, one; Lawrence, one; Monroe, one; Brown, one; Green, one; Owen, one; Vigo, two; Sullivan, one; Clay, one; Putnam, one;

Parke, one; Vermillion, one; Johnson, one; Morgan, one; and Johnson and Morgan, one jointly; Jennings, one; Jackson, one; Bartholomew, one; Ripley, one; Decatur, one; Dearborn, two; Franklin, one; Fayette and Union, one; Rush, one; Wayne, three; Henry, one; Shelby, one; Hancock, one; Shelby and Hancock, one jointly; Madison, one; Marion, two; Hendricks, one; Boone, one; Hendricks and Boone, one jointly; Montgomery, one; Fountain, one; Tippecanoe, two; Warren, one; Benton and White, one jointly; Clinton, one; Carroll, one; Cass, one; Jasper and Pulaski, one; Hamilton and Tipton, one; Grant, one; Howard, one; Randolph, one; Delaware, one; Adams, one; Wells and Blackford, one jointly; Jay, one; Whitley and Huntington, one jointly; Miami, one; Fulton, one; Allen, two; Wabash, one; Kosciusko, one; and Wabash and Kosciusko, one jointly; Noble, one; DeKalb, one; Steuben, one; Lagrane, one; Elkhart, one; and Lagrange and Elkhart, one jointly, St. Joseph, one; Marshall and Stark, one jointly; Laporte two; Lake, one; Porter one.

Mr. Dobbins offered the following amendment to the report :

Amend by adding Martin to Daviess and Knox.

Which was not agreed to.

On motion,

The report was then concurred in.

Mr. Humphreys moved that the bill be considered as engrossed and read a third time now.

The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Bethell, Blake, Bowman, Boyd, Branson, Brown, Bryau, Clapp, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Denby, Dobbins, Douglass, Duncan, Early, Edson, Evans, Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Jefferis, Kerr, Landiss, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moon, Moore, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Price, Reese, Reyman, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Stone, Studabaker, Taggart, Trippet, Van Sandt, Vawter, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, Wright and Mr. Speaker—73.

*Those who voted in the negative were,*

Messrs. Clark, Neal, Neff, Sloss, Smith of Delaware, Stillwell, and Ward—7.

So the rules were suspended, the bill considered as engrossed, and read a third time.

Mr. Neff offered the following amendment:

Add Blackford to Wells.

Which was unanimously agreed to.

Mr. Wallace offered the following additional instructions:

Amend by adding, Clark two, Jefferson one.

Mr. Stillwell offered the following additional instructions:

To amend by putting Madison and Hancock together for Senators.

Mr. Claypool moved a call of the previous question.

Which motion was seconded by the House.

The question being, shall the main question be now put?

It was agreed to.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Austin, Ballenger, Bethell, Blake, Boyd, Branson, Brown, Bryan, Claypool, Colgrove, Conner of Hamilton, Crowe, Denby, Dobbins, Douglass, Duncan, Early, Edson, Evans, Grose, Harrison, Hawkins, Herod, Hoagland, Humphreys, Jefferis, Kerr, Landiss, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moore, McDonald of Lake, McGinnis, McKinney, Neff, Price, Reese, Reyman, Schermerhorn, Shoulders, Slicer, Smith of Bartholomew, Steele, Studabaker, Taggart, Todd, Trip-pet, Van Sandt, Wagner, Whitcomb, Wiley, Williams of Knox, Williamson, and Mr. Speaker—62.

*Those who voted in the negative were,*

Messrs. Allen, Ayres, Clapp, Clark, Conduitt, Crawford, Hayden, Moon, Neal, Sloss, Sherrod, Stillwell, Vawter, Wallace, Ward, Williams of Lagrange, and Wright—17

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

By unanimous consent,

Mr. Dobbins offered the following resolution:

*Resolved,* That the members of this House, without reference to political opinions, return their heart-felt thanks to the Hon.

BALLARD SMITH, Speaker of the House of Representatives, for his untiring zeal to despatch business, and for the impartial and dignified manner he has presided over the deliberations of this body.

Which was unanimously agreed to.

By unanimous consent,  
Mr. Moon offered the following resolution :

*Resolved*, That S. McBride and Leonidas Sexton, each claiming to have been elected by the legal voters of Rush county, to represent said county in the present General Assembly of the State of Indiana, be allowed the pay and mileage allowed by law to members of the General Assembly.

Which was agreed to.

By unanimous consent,  
Mr. Humphreys offered the following resolution :

*Resolved*, That when this House adjourn it adjourn to meet at 7½ o'clock to-night.

Which was agreed to.

The hour having arrived the House proceeded to the consideration of the special order of the day on

House bill No. 364. A bill making specific appropriations for the year 1857.

Mr. Neff offered the following amendment :

That Selah Havens fifty dollars for money paid out for draining swamp lands, over and above the swamp land fund.

Which was not agreed to.

Mr. Schermerhorn offered the following amendment :

To amend by adding thereto—

Sec. —. That Solomon Meredith be allowed the sum of \$200; that S. H. Buskirk be allowed the sum of \$200; that H. C. Newcomb be allowed the sum of \$200; for their services, respectively, as members of the House committee to investigate the over issue of treasury notes, appointed by the legislature of 1855; and that E. W. H. Ellis be allowed the sum of \$250, for his services as Clerk of said committee.

Which was agreed to.

Mr. Marvin offered the following amendment:

That the Superintendent of the Blind Asylum shall receive \$1,000 per annum.

Which was not agreed to.

Mr. Branson moved to amend as follows:

Amend section — by inserting in its stead the following: "That the doorkeepers be required to pay for cleaning spit boxes out of their own allowances."

Which was not agreed to.

Mr. Taggart offered the following amendment:

Allow doorkeepers three dollars per day and mileage.

Which was not agreed to.

Mr. Williams of Lagrange offered the following amendment:

Amend by striking out sixteen hundred dollars allowance for State library.

Which was agreed to.

Mr. Kerr offered the following amendment:

Amend section eleven by striking out fifty and inserting one hundred dollars.

Which was not agreed to.

Mr. Humphreys offered the following amendment:

Amend, that Ballard Smith, Speaker of the House of Representatives, be allowed \$10 for postage by him paid upon communications addressed to him as such Speaker.

Which was agreed to.

Mr. Humphreys moved to amend so that all of the assistant doorkeepers shall receive four dollars per day.

The ayes and noes were demanded by Messrs. Moore and Smith of Bartholomew.

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Ayres, Ballenger, Blake, Bowman, Boyd, Colgrove, Conduitt, Crawford, Crowe, Davis of Hendricks, Denby, Dobbins, Douglass, Duncan, Early, Harrison, Hayden, Hoagland, Humphreys, Jefferis, Kerr, Larue, Lewis, Marvin, Modesitt, McDonald of Lake, McGinnis, McKinney, Neff, Reese, Reyman, Schermerhorn, Sherrod, Stone, Todd, Trippet, Wagner, Wallace, Wiley, Williamson, and Mr. Speaker.—43.

*Those who voted in the negative were,*

Messrs. Bethell, Branson, Brown, Clapp, Clark, Conner of Hamilton, Edson, Grose, Hawkins, Herod, Lane, Massey, Mercer, Merrifield, Moore, Shoulders, Shuman, Sloss, Smith of Bartholomew, Taggart, Van Sandt, Vawter, Ward, Whitcomb, and Williams of Knox—25.

So the amendment was adopted.

On motion by Mr. Humphreys,  
The bill was considered as engrossed and read a third time.

The question being, shall the bill pass?  
Pending which.

On motion by Mr. Early,  
The House adjourned.

7½ o'clock, P. M.

The House met.

On motion by Mr. Cullen,

Messrs. Crowe, McDonald of Lake and Douglass were appointed a committee of free conference, to confer with a similar one on the part of the Senate, on House bill No. 237. A bill to regulate the sale of spirituous, vinous, malt, or intoxicating liquors.

The Speaker laid before the House the following communication and accompanying documents from his excellency, the Governor:

*Gentlemen of the House of Representatives :*

The Hon. William L. Dayton and J. F. D. Lanier, Esq., have addressed a letter of the date of March 6, 1857, with an accompanying memorial, signed by Messrs. Palmer, MacKillop, Dent & Co., and others of the London committee for the conversion of the debt of Indiana, George Peabody of Washington, and said Lanier and others, committee in behalf of American holders, to me, as



Governor of the State, asking that said memorial should be presented to the legislature of the State, and through you to the people you represent. The memorial is respectful in its character, and is an appeal to the citizens of Indiana to consider their relations to the State of Indiana, to all of which they ask the respectful consideration of the legislature, and the citizens you represent.

ASHBEL P. WILLARD.

To His EXCELLENCY, A. P. WILLARD,

*Governor of the State of Indiana:*

SIR :—The undersigned have been appointed by the committee of the holders, both foreign and domestic, of the stock of the Wabash and Erie Canal, to present to your Excellency, and through you to the legislature and people of Indiana, a memorial touching the rights and interests of said stockholders, under the act of 19th January, 1846, and its supplement of 27th January, 1847.

The delay in the presentation of this memorial to a period so near the close of the present session of the legislature, has arisen from facts over which the memorialists had no control. The report of the trustees of the Wabash and Erie canal for the year 1856, was essential to the full preparation of the memorial, and its subsequent transmission to London for signatures, and the return thereof, have precluded the possibility of presenting the same at an earlier day.

The undersigned likewise beg to state to your Excellency, that they have in their possession for inspection, a list or schedule of the shareholders in the said Wabash and Erie canal, more especially represented by the names of the committees attached to the memorial. From which list it will appear that the shares are the property of persons in all the varied conditions of life; that they have not generally passed into the hands of dealers and speculators, but remain in the possession of those who originally made the investments, or their personal representatives.

We now, in their behalf, formally present to your Excellency, the memorial with which we are charged, and we respectfully ask that you will submit the same to the legislature now in session.

It is due, however, to the memorialists, that we state in advance, that they do not seek any definitive or final action upon the subject, at this time. The interests involved are heavy, and the subject, in its various bearings, not perhaps generally understood. We only ask, therefore, for the memorialists a fair hearing; and that all the facts may be known and reflected upon by the voters and tax payers of the State of Indiana; and if, as is contended, the State has authorized railroads, which not only interfere with, but utterly destroy the canal, as a security to the bondholders. If this has been done against the original understanding of the parties, and in violation of the *spirit* as well as the *letter* of the acts of transfer, it cannot be that the just minded

people of Indiana will fail in the end to afford a remedy for the wrong. It cannot be that the State, in the midst of her prosperity and abundance, will be less just and liberal to her creditors, than she intended to be when pressed down by financial distress, and suffering under pecuniary embarrassments.

J. F. D. LANIER,  
WM. L. DAYTON.

*Dated Indianapolis, March 6th, 1857.*

TO THE HON. A. P. WILLARD,

*Governor of the State of Indiana :*

The undersigned, committees of the holders, both foreign and domestic, of the stock of the Wabash and Erie canal, issued under an act passed the 19th January, 1846, "to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie canal to Evansville, and an act supplementary thereto, passed 27th January, 1847, are instructed to ask your attention, and through you, the attention of the legislature of the State, to the present and prospective condition of that work, and to the joint relation thereto of the aforesaid holders of the said certificates and of the State.

It is about ten years since an arrangement was effected between the State of Indiana and her creditors, under which the Wabash and Erie canal, with its lands and revenues, was placed in the hands of trustees, as a security for the payment of one half of the State debt, and our object now is to review the workings of that arrangement thus far : to consider the probable future of the trust, and the sufficiency of its means to meet the object of its creation ; and, in the event of these not proving adequate, to solicit from the State such an interposition as will maintain its own high character, and secure the very important interests of its public creditors.

In order to a perfect comprehension of the subject, however, it will be necessary for us to recall the circumstances under which the arrangement was suggested, the great and vital objects which were to be accomplished by it, and the terms and conditions of it, as it was finally executed.

The State of Indiana, in common with many other States of the American union, had been involved, during the speculative excitements of the years 1835-6, in a system of internal improvement, which had speedily exhausted her resources, and plunged her into the most serious and hopeless financial embarrassments. In a report of the committee of ways and means of the House of Representatives for 1846, describing the condition to which the State was reduced, it was said, that "for several years past the executive and legislative departments of the government have attempted to portray, in suitable terms, the embarrassments of the people and of the government of the State ; but masterly as were the pens with which these descriptions were drawn, they all fell short of the

reality. Every interest and every species of property has felt, and deeply felt, their ruinous effects. They have proved as severe as their prevalence was general, embracing every condition of the people and every branch of the government, and those blighting effects can only now be understood by those who witnessed and experienced the same." (See Documentary Journal, 1845-6, page 133.)

The committee proceed to say, "that the existing means and available resources of the State were so far consumed, that on more than one occasion the State was compelled to resort to temporary loans to raise the current salaries of its officers, small as they were in amount." By the auditor's report of 1847, it appears that the out standing debt of the State (exclusive of the domestic debt so called) was \$11,090,000, on which there were arrearages of interest, which had not been paid for six years, to the amount of \$3,327,000 more, making the total indebtedness at that time, the 1st of January, 1847, nearly fourteen millions and a half of dollars. Governor Whitcomb, in his annual message for the same year remarked, that "this debt, large in itself, was increasing at a rapid and fearful rate," and that in view of it, "many of the best citizens, involved in despair, and anxious to leave their property unencumbered to their children, were sacrificing their homes for less than their value, and leaving the State. The same causes were preventing men of capital and industry from coming into it to purchase property, improve the country and add to our wealth." "All which," he adds, "had a tendency to increase the gloom and despondency which pervaded business affairs generally, and to diminish the ability of the people, the great mass of whom were also involved in debt, to meet their individual engagements." (See Documentary Journal, 1847-8; Governor's Message, Gen. Ass., page 190.)

In fact it was universally apprehended, and deprecated by all citizens of the State having an interest in her welfare and good name, that, against her wishes, and in the simple inability to meet her obligations, she would be driven to the dreadful alternative of repudiation.

The prospect of such an issue had been naturally as alarming to the creditors of the State as it was to the State itself; they had invested their money, as they remarked in an early memorial on the subject, "in the most entire confidence in the integrity of the people, and in their ability to meet their obligations; and they had been led to make such investments of their property not only in reliance on the pledged public faith of the State, but from a desire to place their property where, while it would be safe beyond a question, they might calculate on receiving the interest punctually, the receipt of it being to all of them a matter of great importance, and to a large number of them of indispensable necessity." They deplored the existence of the cause which had occasioned them such serious disappointment and loss; but they would not harbor a

doubt as to the disposition of the citizens of Indiana to pay their debts to the uttermost farthing, as soon as they should have the ability to do so ; but it became a question of vital moment to them, therefore, as to when and how this should be done, and what calculations they could safely make in regard to the future. In their anxiety, both for their own interests and for the continued prosperity and honor of the State, a large body of them united, in 1845, in sending their agent, Mr. Charles Butler, of New York, to Indianapolis, to confer with the Governor and legislature, as well as the principal citizens, in regard to some judicious measure by which the interests of all parties *should* be secured and promoted. "It is entirely evident," said Governor Whitcomb, who gave a cordial and honorable welcome to the design of Mr. Butler, "that the credit of the State cannot be resuscitated without a liberal arrangement between the State and her creditors. It is a great moral question, involving the dearest interests of the people of Indiana, in the adjustment of which all mere party and local considerations should be merged."

Universally it was perceived that something must be done, not only to retrieve the lapsed honor of the commonwealth, but to arrest the downward tendency of things, and to lay a foundation for future success, which should be at once certain and enduring.

The result of Mr. Butler's arduous negotiations, in which, it deserves to be said, he received the ready co-operation of many of the ablest and most worthy citizens of the State, both in their official and private capacities, was the act of January 19th, 1846, to which we have before referred. Without adverting here to the details of this act, or to the extraordinary difficulties growing out of the positive prostration of nearly all business affairs, by which the passage of it was encompassed, let it suffice to state, that the general principle of the arrangement, as finally settled, was a division of the debt of the State, for which certificates of stock were to be issued, on the surrender of the old bonds—one moiety based on the immediate responsibility and revenues of the State, and the other moiety on the property, tolls and revenues of the Wabash and Erie canal. The former implied a resort to direct taxation, and the latter implied the completion of the canal to make it successful as a revenue work ; but as the canal was yet unfinished, and the State had no ability to finish it, it was provided that the bondholders themselves should advance further means necessary for its completion ; and to insure such application of the money to be advanced by them to its completion, and to insure the application of its tolls and revenues, present and future, when completed, to the payment of the debt charged upon them, the property was vested in trustees, for the joint benefit of the State and her creditors, until every obligation should be entirely fulfilled.

No measure of legislation was ever matured by the State under circumstances of greater embarrassment, and consequently of greater circumspection and care. The executive and legislative

departments of the government both gave their most earnest attention to it ; it was elaborately discussed in the public prints as well as in the halls of legislation ; and every honorable means was used with a simple view to rendering it, what all interested in the result had most at heart, a fair, just and equitable settlement of a momentous and distressing question. It was determined that the just rights of creditors and the fair fame and permanent welfare of the State should be alike consulted. The spirit which inspired the legislation of the time was admirably incorporated in the preamble to the original act. which we take leave to subjoin.

“Whereas honor and justice alike require that such equitable provision should be speedily made for the discharge of the pecuniary obligations of the State as shall be just and acceptable to its creditors, honorable to the people of Indiana, and, at the same time within the ability of the State, without further involving the people in a general debt : And whereas, an arrangement based upon a moderate system of taxation, and the completion of the Wabash and Erie Canal to Evansville, it is believed will secure the objects aforesaid : And whereas, in order to insure so desirable a result, a large portion of our bondholders have manifested a willingness to aid in the completion of said Canal within the ensuing four years, to the Ohio river : And whereas, this proposition embraces as a general arrangement, the payment by taxation of two and a half per cent. on the unprovided public debt of the State, and a reliance for the remaining two and a half per cent. on the lands, tolls and water rents of said Wabash and Erie Canal, (after paying expenses of construction and repair,) thereby relieving the people of Indiana from burdensome taxation, and virtually discharging them from any liability for the said remaining interest, and looking alone to said Canal, its tolls and other revenues, for half the interest on said entire public debt : And whereas, there is reason to believe that the plan embraced in the following provisions is entirely within the means of the State successfully to accomplish ; that it will be acceptable to our creditors, honorable to the people represented by this General Assembly, and will add to the wealth, prosperity and advancement of Indiana.”

And as no measure was more carefully considered beforehand, so no measure ever enacted by a legislative body gave a more instant and general relief to the public mind. It may be said of it, without exaggeration, what a distinguished American statesman said of the earlier financial measures of Washington's administration, that “they smote the rock of financial resource, and the living waters gushed forth ; they touched the corpse of public credit, and it sprang upon its feet.” From the moment in which it was made known that the plan had been consummated, that the public creditors were willing to return their old and discredited bonds and accept the new securities pledged in their place, the clouds of doubt and dismay which had hung over the prosperity of Indiana rolled away. The almost universal feeling of despondency and



gloom was lightened and cheered, and the sunshine of confidence came forth to animate the labor and develop the resources of the people. From that moment, as the entire history of the State witnesses, the spirit of enterprise was resumed; and whatever greatness or grandeur of result her industry has since attained, a great deal is owing to this happy adjustment, which released her burdens and recovered her energies.

We claim no particular merit for the creditors in their part of this settlement, nor do we withhold any from the representatives of the State; it was a delicate and important transaction in which all were deeply concerned, which had long baffled the sagacity and good will of the most experienced Statesmen and financiers, and to the solution of which all parties contributed their best wisdom and most candid and conciliatory efforts. The State was eager to be relieved of its unpleasant position, every day becoming more critical, financially and morally, and the creditors were no less eager to regain a surer hold of property, which had, through the misfortunes of the times, slipped from their grasp. There was no disposition on either side to achieve undue advantages, or to evade just responsibility, although there was suspended over both, to quicken their efforts, the prospect that if a settlement were not then attained, the same circumstances which had so long delayed would permanently defeat the undertaking. For this reason it was, that the conclusion of the arrangement was so generally hailed, both in the State and out of it, as an eminently propitious event, creditable to all concerned in it, and a veritable epoch in the financial history of the times.

In acceding to that part of the adjustment which proposed to them to release the State from all the immediate responsibility for one-half of the public debt, and to look to the tolls and revenues, present and future, of the Wabash and Erie Canal, and to them alone, for security, the creditors, (naturally reluctant to do so, inasmuch as it required a new advance of money in addition to what they had already invested, without receiving a return,) acted upon the representations then made to them, on the strength of reliable and sufficient data, by the governor and other officers of the State, and by numerous citizens thereof, who were supposed to be thoroughly informed in the premises, as well as upon such other information as could be collected by themselves and by their agents. The Wabash and Erie Canal was regarded by all intelligent persons, both within and without the State, for its whole length and for future years, as the main channel of transportation, not only for the tier of counties through which it runs, but for a large district of country on each side, and subject only to the competition of the Wabash river.

Let us briefly refer to some of these representations and opinions:

Governor Whitcomb, in a letter to J. Horsley Palmer, Esq., one of the creditors in London, and chairman of the committee of for-



sign creditors, dated Indianapolis, February 5th, 1846, and written to commend the plan of settlement, remarked, "The Canal part of the arrangement may not at first appear desirable, but I am much deceived, and so are some of the most sagacious and intelligent engineers and business men in our country, if in the course of a few years after its completion, its net income should not greatly exceed the amount of interest it has to pay." He then refers to his matured views on the subject to his annual message, in which he says, "This work (the Wabash and Erie Canal) passes through a country of almost unrivaled fertility, and rapidly increasing population. Reaching, in its full length, from Lake Erie to the Ohio river, it will be the largest work of the kind in the United States. *It will be second only in importance to that which connects Lake Erie and the Hudson river*, and will make one of the links in the great chain of internal navigation from the northeastern to the southwestern extremities of our growing confederacy.

The State engineer, R. H. Fauntleroy, Esq., who had just completed his survey and estimates of the southern division of this Canal, addressed a letter to the agent of the bondholders under date of January 13th, 1846, from which the following paragraph is taken :

"The extent of country looking to this Canal as its principal channel of commerce, embraces about one-third of the State of Indiana, together with a considerable portion of the State of Illinois, in all equal in area to about one-half of the State of Indiana."

The same competent authority prepared a table of the prospective revenues of the Canal, which was also approved by J. L. Wilkings and W. J. Ball, both distinguished engineers, the latter then being also in the employment of the State, and which is herewith enclosed.

It should, perhaps, be noted of this estimate, that it contemplated a more speedy completion of the Canal than was practicable, and by the supplementary act six years were allowed, instead of four, for its completion. The work was commenced in 1847 and finished in 1853.

It may further illustrate the view generally entertained at that period, of the large extent of country for which the Wabash and Erie Canal would form the sole channel of trade, to quote from a carefully prepared letter from a citizen of the State, previously connected with the public works, and addressed to the agent of the State's creditors, dated February 21st, 1846. Speaking of the district which would be tributary to the Canal, the following language is used :

"It embraces over forty counties in Indiana and seven large counties in Illinois, and contains, by computation, over 21,000 square miles. The boundaries of this district, as you will perceive, have been traced with due regard to the influence of rival channels of transportation, such as the Illinois and Lake Michigan route on

the north and west, the Ohio river on the south, and the rail-road from that river to Indianapolis."

The same general view had been entertained by business men and by the public authorities ever since this Canal was first projected. From its general direction, corresponding so well with the course of trade, and from its remoteness from other lines of water communication, this Canal had ever been considered as a trunk line, into which the trade of the country for a wide extent on both sides would be drawn by lateral improvements and common roads.

It was this consideration, also, giving assurance of a large and paying traffic, which had warranted the State of Indiana in undertaking an improvement of such magnitude.

In confirmation of the facts here stated, an other extract from the documentary history of the time may be brought forward. In Jan., 1840, the legislature of Indiana, by joint resolution, appointed a commissioner to attend the legislature of Ohio in reference to the early construction of the Ohio division of this Canal.

The official representation of this commissioner touching the character of this thoroughfare, and the extent of country of which it was expected to become the channel of trade, may be regarded as the opinion of the State. The following passage is selected from his letter to the Governor of Ohio. (See Journal of Ohio legislature, session of 1839-40.)

"That the capability of the Wabash valley for furnishing transportation, by means of its production and consumption, is equal to that of any other agriculture district of the west, with the same population, will probably not be questioned. For this trade the Wabash and Erie Canal will form the natural, and in fact the only channel, so far as the northern market may be sought. From the first settlement of this valley, its citizens have anticipated the opening of this Canal at no remote period, for which expectation they perhaps have sufficient grounds in the donation of land for this object, and the acceptance of this donation, with all its requirements by the States. They have neither sought nor desired any other connection with Lake Erie, but on the contrary, have located and constructed their common roads, to say nothing of their lateral canals and railroads, some of which have been commenced, so as to concentrate their trade on this Canal as the main trunk. From this circumstance, as well as from the directness of the route, the Wabash and Erie Canal will not be subjected to a competition with other established channels of trade, as is often the case on the opening of a new work, but from the first will command the undivided commerce and intercourse between the Wabash country and the northern markets. The district for which this Canal will form the main channel of trade may be described as extending from the State line as far down the Wabash as the Grand Rapids, a distance of three hundred miles. The boundaries of the district on the

south and southeast may be defined by a line pursuing generally the valley of the west fork of White river to the east line of the State, embracing nearly one-third of the surface between the Wabash and the Ohio river, and on the north and west by a line diverging from the Grand Rapids, and extending about one-third the distance to the Illinois river on the west, and Lake Michigan on the north. The limits of this district, it will be perceived, are marked out with due reference to the influence of the Ohio navigation on the south, and of the Illinois river and Lake Michigan on the west and north, as rival channels of commerce."

The district thus described contains a surface equal to thirty-eight counties in Indiana, and nearly nine counties in Illinois, including an area of 22,000 square miles."

In this aspect of the case, and with these promises of future business and revenue from the canal, the creditors of Indiana, in 1846, accepted the principle of the proposed plan of arranging the debt.

At a meeting of the committee of the European bondholders, held in London, May 30th, 1845, it was resolved:

"That under the circumstances stated in the report of Mr. Chas. Butler, confirmed by a letter of his excellency, James Whitcomb, dated 5th February last, addressed to Mr. Palmer, it is the opinion of the committee that it will be for the interest of the bondholders of the State of Indiana to concur in the principle laid down in the act of the legislature, passed at Indianapolis on the 19th January, for the adjustment of the debt of that State, by the payment of one moiety of the principal and interest by taxation, and the other moiety by the property and tolls of the canal, from the State line adjoining Ohio, to Evansville on the Ohio river: such property to be assigned to three trustees, and the State to be freed from responsibility on that portion of the debt and interest so to be secured."

But while assenting to the principle of the settlement, the bondholders looked to the peculiar nature of the proposed security. As this was virtually a mere mortgage of the tolls and revenues (in other words, the income) of the canal, present and future—the fee or property of the canal always being and remaining in the State, and subject to its redemption—they were apprehensive that the provisions of the act of 1846 were not sufficiently explicit in guarding this security from every possible interference on the part of the State, and therefore suggested several modifications.

These did not disturb the general principle of the act, but were yet essential to render it perfectly satisfactory, and to enable it to be carried into effect according to its fair and obvious intent.

The action of the legislature on the proposed modifications resulted in the passage of the supplementary act of January, 1847, which supplementary act, after reciting the doubts which might be raised in the respects alluded to, proceeded to affirm, in the strong-

est manner, the inviolability and permanence of the securities offered to the State's creditors.

In section 14, it says: "*Now to demonstrate the good faith of Indiana, and for the removal of all such doubts, and with a view to create general confidence in the arrangement made by the State for the liquidation of its debt, be it enacted*, that the tolls, revenues and profits of the said canal and its appurtenances, present and future, &c., **SHALL REMAIN AND BE INVIOLEATE AND IN FULL FORCE**; and the payment of the principal moneys and interest on the certificates and stock intended to be created pursuant to the said act and this act, and all the certificates and evidences of the title thereof, respectively, *shall be and continue* **EFFECTUAL AND INVIOLEATE by the means aforesaid**, until the objects and purposes of the said act, and of this present act, shall be fully accomplished." Again, in the same section, it is further enacted, "that all stock to be created, and all certificates and other instruments of title to be issued in pursuance of said act, and all principal moneys, and interest thereby accrued, *shall not be molested or impaired*, arrested or attached by the State of Indiana."

In another section, again, the 22d, are these broad and important provisions, which declare the designs and obligations of the State with remarkable distinctness:

"**SEC. 22.** The debt which it is the object of the trust created by the said recited act, as amended by this act, to liquidate, as in the said act mentioned, having been contracted under the authority of the State of Indiana, *and for the service of the people of that State*, and it being desirable, as well for the credit of the State as also in order to establish confidence in the public in general, and the subscribers in particular, to secure the utmost punctuality in the fulfilment of the objects of the said trust, it is hereby declared that the tolls and revenues of said canal, present and future, and the lands and lots so conveyed, or intended to be conveyed, as hereinbefore mentioned, and the proceeds thereof, when sold, shall be, and the same are hereby specially pledged, to form a distinct and particular fund for the redemption of the stock and certificates to be issued in pursuance of the said recited act and of this act; and the said State *shall not direct or permit* any appropriation to be made of such tolls and revenues, lands and proceeds, or any of them, for the general purposes of the State, *or otherwise howsoever*, other than and except for the purposes of the said trust, as directed by the said act, as amended by this act, until the said stock and certificates, and all interests thereon, shall have been fully paid and satisfied out of the tolls and revenues of the said canal, or the State shall have redeemed said stock and certificates by the payment of the principal thereof; the right of doing which, after twenty years from the nineteenth day of January, 1846, is hereby reserved by the State, as provided in the act to which this is an amendment."

Now these were positive and comprehensive covenants, not only restraining the State from every kind and degree of interference



with the present and prospective revenues of the canal, which were the sole security and reliance of the creditors, but imposing upon it also the most sacred obligation to maintain the security and reliance, unchanged in character and unimpaired in value.

They were assurances and pledges of good faith by the State of Indiana to her creditors, which constituted the very essence of the contract, which were required by the nature of that security, and were expressly designed to establish the confidence of the bondholders in particular, and the public in general, in the arrangement, and to induce the former to believe that they would be justified in foregoing their more immediate claim on the treasury of the State, and in advancing large sums of money for the prompt and effective completion of the canal. Every reasonable hope and probability was held out to them, by means of these provisions and pledges of the acts, as finally settled, that they would be able, out of the present and future income of the canal, not merely to reimburse themselves for their new advances and their long delayed dues, but to assist in resuscitating the credit of the State, in furthering one of the most magnificent industrial enterprises of the day and country, and in afterwards handing it over to the State, free from encumbrance, in a prosperous condition and an abundant source of future revenues. Had they entertained any doubts as to the financial success of the scheme, these doubts would have been removed by the very clear and positive statements of the agent of State, Mr. J. F. D. Lanier, who was appointed by the proper authorities, in the summer of 1847, to proceed to London to confer with such bondholders as had not already acceded to the arrangement, to explain the terms and conditions of the several acts of the legislature, and obtain their assent to the same.

Mr. Lanier, in a pamphlet dated London, August 5th, 1847, after recapitulating and commending the main features of the arrangement, repeated the tables prepared by the engineers, Messrs. Fauntleroy and Ball, before cited, as to the prospective revenues of the canal, and appended thereto the most promising estimates of the growth of population, and of the increasing productiveness of the counties through which it passed.

Your memorialists having agreed to the terms of the act met every demand made by the trustees to enable them to carry it into effect; and thus, as the trustees themselves remark in their report of 1849, "performed and fulfilled all that the law required of them," adding "that this promptness on the part of the bondholders furnishes the best evidence of their confidence in the integrity of the people of Indiana, and in the security provided by the acts of the legislature creating the trust."

For sometime after the transfer of the canal to the trustees, their highest hopes of success bid fair to be realized. The work was prosecuted with economy and vigor, and there was a steady and growing increase of income. It appears by the annual reports of the trustees, that the receipts of the canal, which had been

\$102,424 in 1846, were \$125,982 in 1847, and which again increased in 1848 to \$146,148, but that in 1849 there was a slight falling off to \$134,659, owing to the failure of the wheat crop and the prevalence of the cholera, when the upward tendency again commenced, and the receipts, which were \$157,158 in 1850, became \$179,282 in 1851, and \$193,400 in 1852. But during that year the maximum was reached. In 1853 the receipts fell to \$181,206; in 1854 there was a still further decrease to \$180,535, and in 1855 an enormous fall, amounting to \$40,135 on the receipts of the previous year. For the current year our trustees inform us of a still further decline of \$67,111, as compared with the receipts of 1854, so that it may now be regarded as an established and permanent fact, that the revenues of the canal are most disastrously reduced and impaired.

And it is to this fact that we seek to direct your serious attention. What have been the causes of this decline? Why are our hopes as to the sufficiency of the Canal for the purposes to which it was pledged, thus defeated? Why, in the face of a large increase of the navigable portion of the Canal and a consequent augmentation of its trade, is there a diminution in its proceeds, and to what may we rightfully attribute the foreshadowed insufficiency of the net revenues of the trust to meet the end of its creation?

Your memorialists are strongly assured, and respectfully suggest, that this failure is not attributable to any unexpected or extravagant expenditure in the completion of the Canal to Evansville; for in this work the original plans of the State were mainly carried out, and a judicious economy observed, bringing the entire cost within or very little above the original estimate, notwithstanding the great advance in labor and provisions subsequent to 1846, when these estimates were made.

Again, it cannot be ascribed to any want of economy in the current repairs and maintenance of navigation in the finished Canal, for in this service there has been expended for nine years an annual average per mile of only \$268, which is less, by near thirty per cent., than was allowed in the estimate of the State engineers, made in 1846, and some thirty per cent. below the average repairs on the two leading canals of the State of Ohio, of corresponding dimensions, for a series of years, as we find it stated in official reports.

Nor has there been any material failure or disappointment in the land funds which were pledged by the act of 1846, to the assistance of the Canal. The lands in the Vincennes district, as well as those in the northern part of the State, belonging to the original grant, have sold as freely, and except as reduced by the reappraisement, at as high prices as was anticipated, and as fixed by law.

Nor has the increase in the population, wealth and business of the State been less rapid than was expected. The population of



the State, which in 1845 was 680,000, has increased to nearly 1,300,000 at this time. The restoration of public credit following the adjustment of the State debt, which had so long sat as an incubus upon public and private enterprise, gave an impulse to improvement surpassing even what had been predicted by the advocates of the State debt act at the time of its passage, augmenting the value of taxable property in the State from \$126,000,000 in 1846, to near 400,000,000 at this time, as stated in the Auditor's report for 1856.

Nor can it be alledged that the commerce of that portion of the State has been withdrawn from the Canal by the competing navigation of the Wabash river, even to the extent which was apprehended. The statistical exhibits contained in the several annual reports of the trustees show a gradual diminution of the river trade under the influence of the Canal. In 1847, no less than 331 river flat boats were loaded between Delphi and Terre Haute. This description of craft is no longer used to any extent worth enumerating, on that section of the river, while at the same time, the steamboat trade is diminishing.

If in these leading particulars, comprising as they do, the chief grounds upon which the financial success of the trust was predicated, no essential failure can be detected, to what shall we attribute the inadequacy of its revenues, and the distrust in financial circles of the provision made by the State for the payment of the moiety of her debt resting on the Canal, which has so much and so unexpectedly depressed these securities?

There can be, it seems to us, but one answer to the question: *the extensive system of railroad communication authorized by the State, in covering nearly the entire region through which the Canal passes, and draining all the district of country upon which it relies for support, is the single and sufficient cause of the lamentable decline we have noticed.* Up to the time when that system began to be developed, as we find by the annual report of the trustees, there was the most gratifying evidence of the growing prosperity of the enterprise: but as soon as that system took effect, and in the degree in which it did take effect, that prosperity was arrested and undermined. The Canal revenues fell off with the increase of railroad facilities, and it is curious to mark, in this connection, how gradually and yet how steadily the reports of the trustees indicate the growth of the interference. In 1851, when the system was beginning, they expressed a simple apprehension that the effect would be to force a reduction of tolls. They say:

"The increasing facilities of transportation provided by the numerous railroads which are in the process of construction within the borders of the State, and some of the most important of which traverse districts of country heretofore tributary to the Canal, and which are being finished, will probably call for such a modification of the tolls upon the Canal as will protect its business and revenue against competing routes."

The next year (1852) the trustees were compelled to express a still more decided apprehension, and to call the attention of the legislature to the threatened invasion of the railways. They say:

“How far the construction of the various lines of railway which have been projected under the general act passed by the General Assembly at its last session, running parallel and near to the Canal, may operate to damage or impair the security provided for the bondholders in the public debt act, it is impossible for the trustees to decide. They do not find in the general railway act any limitation upon the right to construct a railroad along the line of the Canal, nor any reservation of tolls upon the property to be transported by such railways, if constructed.”

What was apprehension in 1852, becomes positive fact in 1853. The trustees, in their report for that year, assert “that the produce and merchandise hitherto taking the Canal as its natural channel, has this year been drawn off by newly-opened railroads.” They report, in 1854, that the class of freight paying the highest tolls (merchandise) has been, to some extent, diverted into railroad channels.” But the experience of 1855, when an enormous deficiency occurred, left them no doubt, if they had entertained any, of the injurious and fatal effects of railroad competition. Speaking of the deficiency in the tolls, they remarked that “it is to be mainly attributed to the competition of the railroads traversing districts of country contiguous to the Canal, and diverting the trade and business which would otherwise have come to it. The effect of this competition upon the Canal has been more strikingly exhibited during the past year than ever before.” They then proceed to detail the statistics of the receipts at two of the most important offices, going to show that the shipment of merchandise by the Canal, had fallen off more than fifty per cent. in two years.

Again, in the report for the current year, they say:

“By reference to the tables of tolls for the current year, it will be seen that they exhibit a further falling off of twenty-six thousand nine hundred and seventy-six dollars and six cents, as compared with the business of last year, and of sixty-seven thousand one hundred and eleven dollars and eighty-six cents from the receipts of 1854. The opening of the Wabash Valley road to Attica, since the last report, has given the railways greater powers of competing for the business of the Wabash Valley, and to this cause, chiefly, may be referred the falling off of the tolls and revenues of the Canal.

In the early part of the season the board were forced to make a large reduction of tolls on merchandise from the State line to Lafayette, and all points south, to retain, if possible, that business to the Canal. But the result of the year's business shows too plainly that the Canal cannot successfully compete with railways for that class of traffic, which, from its greater value in small bulk and weight, can afford to pay the greater charge for transporta-

tion. The business of the Canal for the last three years as exhibited in the annual reports, would seem to be conclusive on this point, and the trustees can only invoke the serious consideration of the General Assembly to the subject."

In this connection, also, let us refer to the tables appended to this report, exhibiting the very large reduction in the rates of toll to which they have been forced, and to the diminution of tonnage of merchandize, notwithstanding the diminished charges, especially during the last three years. The merchandize which, in 1853, amounted to 11,423,567 pounds, in 1856 had dwindled down to 2,358,338 pounds, notwithstanding the reduction in the rates of toll, amounting, in this period, to 77 per cent.

Had no evidence, however, upon this head been presented to us by the trustees, whose testimony is particularly valuable, inasmuch as they properly describe themselves, in their earliest report, "as equally the agents of the State and her bondholders, and equally bound to discharge their duty to each, as defined in the acts creating the trust," we would have still inferred the result from its antecedent probability. It cannot but be, in the nature of things, that a railroad, which is liable to few obstructions at any season of the year, and which conveys goods with so much rapidity, should seriously injure a canal of no larger dimensions than this, dependent upon the same districts and the same trade. For the heavier descriptions of freight a canal may still be preferred, but these are precisely the kinds which pay the least tolls; while the lighter freights, those in which a vast amount of value is concentrated in a small bulk and weight, are those which are most easily drawn away to railroads. Under the existing system of railroad connections, moreover, by which goods shipped in almost any part of the country can be carried to their destination without transshipment, an important advantage is given to that method of conveyance.

The railroad system covering Indiana, Ohio and Illinois is *a unit*, designed and adapted to accommodate and control the transportation business of the country. It is operated with that end in view, and it is not strange that a combined system, working with so much uniformity, celerity and power, with so many active agencies and parties in interest at every point where business centers, should supersede canals, or take from them at least the best and most remunerating kinds of trade, and force the latter to such reduction of tolls on all other kinds as to render them comparatively unproductive.

We find whenever canals and railroads come into competition, as in the great States of New York and Ohio, the canals suffers extensively in the trial. In New York, for many years, the legislature imposed a tariff of charges upon goods carried by certain railroads, to prevent the most disastrous effect upon the canals; and the board of public works of Ohio, in their last annual report, complain that the railroads "have succeeded in taking from the canal

that class of business which has heretofore been the principal source of revenue." In order to show the extent to which the appropriation, by the railroads, of the business of the canal has been carried, we have caused to be prepared a skeleton map of the State, herein enclosed, in two parts, one exhibiting the works constructed or proposed when the State debt arrangement was made, and the other showing the railroad system, as it now exists. You are invited to consider these maps with the most deliberate care—for better than any argument which might be addressed to you, and better than any other fact that might be adduced—while appealing directly to the senses, they force conviction upon the mind.

The shaded line marks the boundary of the district considered tributary to the canal, before the opening of the railways, and upon which the estimates were predicated in 1846. Of the towns and vilages of the State only the county seats are marked on these maps, of which there are forty-nine within the shaded boundaries.

Of these it will be seen that over thirty county seats, forming, of course, the centers of trade for their respective counties, are intersected by the parallel roads, or by lateral roads branching from them, having the same gauge and requiring no transshipment between these interior counties and the lake.

In 1846 no one of these counties entertained even a well-grounded prospect of railway communication, but all through their common roads and their projected plank roads, and other improvements, were seeking a connection with the Wabash and Erie canal, as the permanent outlet for the trade to lake Erie and the Ohio river.

As these roads have come in competition with the canal at certain points—such as Lafayette and Terre Haute—a large reduction in the rates of toll has necessarily been made in previous years to and from these important points. And now, with the opening of the parallel road along the canal line, a further and general abatement, averaging nearly forty per cent. on the leading imports, from the tolls of 1855, is forced upon the trustees.

Can any contrast be more positive or striking? At the time our constituents accepted the canal as a security, thereby discharging the State, it was the great enterprise of the State, without a competitor and without a rival; but it is now perfectly encompassed from one end to the other, in a network of railroads. The whole region of country on which it depended is checkered by them; every principal source of its trade is tapped by them: its local business and its through business are alike disturbed; and yet, disastrous as its more recent fate has been, the future threatens to become still more disastrous. In short, the very basis of security proffered to us, in lieu of the revenues of the State, has been essentially changed, and that by the authorization of the State. The canal is virtually no longer the same work. Its banks

and locks are the same ; the same waters continue to flow through it ; the same men and women, perhaps, live upon its banks, but that comprehensive and lucrative trade, which was the life of it—that trade which originally induced the legislature to undertake its construction, and the expectation of which alone made it a security to your creditors—has been spirited away. It no longer exists as it was, or as it promised to be, and it cannot be restored.

In this posture of affairs your creditors conceive that they are entitled to some remedy or redress on the part of Indiana. Had the security in which they trusted dwindled away under the influence of inevitable natural causes, or had the depreciation of it arisen from their own act, or from the act of an independent third party, the question perhaps would have been different ; but, in the actual case the injury to our interests has been wrought under the direct authority of the State, not only by special charters, but by a general law, granting to individuals and companies the right to construct railroads wherever they please, without regard to the previous vested rights of the canal stockholders. It has involved our securities in ruin. Of course, neither we nor the stockholders whom we represent, question the right of the legislature to enact any laws that may be deemed salutary or expedient ; that is a matter wholly within its own discretion ; nor do we desire to condemn the policy which has led the State into its vast and useful system of railroad communication. On the contrary, we rejoice in the liberality of disposition and the energy of enterprise which is manifested in these undertakings ; we rejoice in the advantages which they have brought, and are still bringing to its inhabitants by the impulses they give to production ; by the accesses they open to new and better markets ; by the value conferred upon land, and by the facilities presented to commercial and friendly intercourse. But we hold, at the same time, that the State, in choosing to adopt or authorize this superior system of transportation and travel, must do so at its own cost, and not at the cost of others ; that it cannot ignore interests which it had itself already created ; that it cannot impair securities which it had guaranteed from molestation and wrong ; and that, in every case of manifest and undoubted injury, it is bound, in some way, to make reparation.

This is a universal principal of law, acknowledged in all transactions between individuals ; and much more is it a principle of honor, which is the only bond of States. In the earlier days of the debt arrangement, while the terms and the importance of it were fresher in the public mind, the legislation of the State was conducted with a full sense of this profound moral obligation. When it was proposed in 1848 to charter the Terre Haute, Vincennes and Evansville railroad company, the bill was rejected on the ground of its conflicting with previous contracts. In the debate on this subject, the duty of the State not to interfere, in any way, with the completion or efficiency of the canal, was recognized in principle on both sides—the difference of opinion arising



solely on the question whether the specific measure proposed would have that effect. (See debate of January 31st, 1848.)

Again, in the year 1851, when it was proposed to incorporate the Fort Wayne and Lafayette Railroad company, the bill was rejected on the understanding that the passage and execution of it would disturb the public debt arrangement. But in 1852 a general law was passed, which enabled companies and individuals to do what the State had refused to do directly, though it is impossible to see upon what grounds of justice or propriety, unless the State meant to make good, in some suitable way, the damage which might accrue to her creditors.

No one, we presume, will contend that, if those creditors had foreseen, or been in any manner advertised of the probable construction of superior lines of travel and transport all along the banks of the Canal, and within the district of country contiguous and otherwise tributary to it, they would have entered into the agreement. For in such an event, the security for which they consented to relieve the State would have been no security at all; and to hazard their property on it would have been an act of imbecility and folly; neither will any one have the hardihood to assert, what would be a grave reflection upon the character of the State, that it sought to shift the burden of its debt upon a resource, which it designed to render, subsequently, inadequate and fallacious. No; let us repeat, as we have said before, that the entire negotiation between the State and its bondholders was one of the most perfect good faith, in which neither sought to take advantage of the other, and in which both were eager that substantial justice should be rendered to all parties.

The advantages of the arrangement, indeed, were decidedly on the side of the State, under the most successful prosecution of the plan. All that the bondholders could receive was simply the debt actually due to them and the accruing interest, while to the State was reserved the right to every increase of value and profit beyond that point. Even now our experience demonstrates; that while the arrangement has been a failure in respect to the creditors, the State itself has been largely benefited by it, to an extent, we have no doubt, at least equal to the debt it was originally made to secure, in the relief given to her depressed credit, and in the increased value of her lands and taxable property. The map shows that the Canal as now completed, is the natural drain of, say, about 14,000,000 of acres; and if we suppose that it has added a half dollar per acre to the value of this land, the gain in wealth to the State would be more than equivalent to the entire principal of the debt which the creditors wished to realize.

At this late day, after the experience which we had, in a time of almost overwhelming trial and difficulty, of the honorable eagerness of Indiana to redeem her plighted faith, we will not believe that she can sacrifice or trifle with it, in a time of florid and in-



creasing prosperity. When she was comparatively poor; when she was paralyzed by debt, public and private; when her future was dark, almost to the point of despair, she made, and she succeeded in the noblest exertions to maintain her honesty and fame. And she will not prize these, we are persuaded, any the less, now that, mainly in consequence of those acts, her population has grown with prodigious rapidity, and thrift has returned, and the golden horn of plenty is poured out through all her borders.

The sum at stake is indeed a large one—too large for any individuals to be called upon to lose—and yet trifling when compared with the abounding resources and prospective opulence of a great and growing commonwealth.

But were it ten times larger than it is, justice and policy alike proclaim that it should not be measured against her character and dignity, as one among the States of the American Union, and of the nations of the earth.

The mode and nature of redress to which our constituents are entitled, we leave the State itself to determine, satisfied with the simple presentation of their case, and in the confidence that it will attract an early, enlightened and satisfactory consideration.

We have the honor to be,

Your Excellency's ob't servants,

London, Feb., 1857.

(Signed,)

PALMER, MACKILLOP, DENT & Co.  
N. M. ROTHCHILDS & SONS,  
BARING BROTHERS & Co.,  
FRED. HUTH & CO.,  
MORRISON, SONS & CO.,

The London Committee for the conversion of the debt of Ind.

Washington City, Feb., 1857.

GEORGE PEABODY,

*For self and others.*

New York, Feb. 28th, 1857.

(Signed,)

J. F. D. LANIER,  
ISAAC SEYMOUR,  
JOHN FERGUSON,  
LUTHER C. CLARK,  
D. B. RYALL,  
J. N. PERKINS,  
WM. M. BLISS,

*Committee in behalf of American holders.*

Which,

On motion by Mr. Bethell,

Were laid on the table and 500 copies ordered to be printed.

A message from the Senate by Mr. Harvey, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills of the House, viz:

No. 199. An act to authorize the State of Illinois to maintain the Calumet Feeder dam, and securing the use of the waters of the Calumet river, and providing the manner of assessing damages sustained by citizens of the State of Indiana, and regulating the draining of swamp lands adjacent to the Calumet river in the State of Indiana; with sundry amendments thereto.

In which the concurrence of the House of Representatives is respectfully requested.

On motion,

The House concurred in the amendments of the Senate to the bill contained in the foregoing message.

A message from the Senate by Mr. Harvey, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have again refused to concur in the engrossed amendment of the House to engrossed amendment of the Senate to bill of the House:

No. 21. A bill to appraise the real estate of the State of Indiana, and to make such appraisement uniform throughout the State.

And that Senators Green, Burke and Tarkington, are appointed a committee of free conference on the part of the Senate, to confer with a similar committee on the part of the House, in reference to such disagreement.

On motion by Mr. Sherrod,

The House continued to insist on their disagreement to concur in the engrossed amendment of the Senate to the bill contained in the foregoing message.

*Ordered*, That the clerk inform the Senate thereof.

The House resumed the further consideration of,

House bill No. 364. A bill making specific appropriations for the year 1857.

The question being, shall the bill pass ?

On motion by Mr. Lane,  
A call of the House was ordered.

The Clerk proceeded with the call, when the following members answered to their names :

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Bethell, Blake, Bowman, Boyd, Brown, Bryan, Clapp, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Hendricks, Denby, Douglass, Duncan, Early, Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Jefferis, Kerr, Lane, Larue, Massey, Marvin, Mercer, Modesitt, Moon, Moore, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neal, Neff, Price, Reese, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Steele, Stillwell, Studabaker, Taggart, Todd, Trippet, Van Sandt, Wallace, Whitcomb, Williams of Knox, Williams of Lagrange, and Mr. Speaker—68.

On motion,  
The further call of the House was suspended.

The question being, shall the bill pass ?

Mr. Denby moved to re-commit with the following instructions:

Sec. —. That the city of Evansville, in the State of Indiana, be allowed the sum of three hundred and fifty-four dollars and eighty-five cents, to re-imburse said city for the sum paid out of the city treasury, to arm and equip the force called out by official proclamation by the Hon. Joseph A. Wright, late Governor of Indiana, to protect the public works and structures of the Wabash and Erie Canal in Clay county, from the unlawful depredations of certain persons in said county.

Which was not agreed to.

Mr. Bethell moved to re-commit with the following instructions:

That C. M. Williams, late treasurer of Warrick county, be allowed the sum of eight hundred and forty-three dollars stolen from him of State funds, while on his way to Indianapolis to pay it into the State Treasurer.

Which was not agreed to.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Ayres, Bethell, Blake, Bowman, Boyd, Brown, Bryan, Claypool, Conduitt, Crawford, Crowe, Cullen, Denby, Douglass, Early, Harrison, Hawkins, Hayden, Hoagland, Humphreys, Kerr, Landiss, Larue, Lewis, Marvin, Merrifield, Moon, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neff, Reese, Schermerhorn, Sherrod, Steele, Stillwell, Studabaker, Todd, Trippet, Van Sandt, Wallace, and Mr. Speaker—5.

*Those who voted in the negative were,*

Messrs. Adams, Clapp, Conner of Wabash, Davis of Hendricks, Duncan, Herod, Lane, Massey, Mercer, Neal, Price, Slicer, and Williams of Knox—13.

No quorum voting,

So the bill did not pass.

On motion by Mr. Blake,

A call of the House was ordered.

The clerk proceeded with the call, when the following members answered to their names :

Messrs. Abel, Adams, Allen, Austin, Ayres, Bethell, Blake, Bowman, Boyd, Brown, Bryan, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Hendricks, Denby, Douglass, Duncan, Early, Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Jeteris, Kerr, Landiss, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moon, Moore, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neal, Neff, Reese, Schermernorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Steele, Stillwell, Studabaker, Taggart, Todd, Trippet, Van Sandt, Wallace, Whitcomb, Williams of Knox, Williams of Lagrange, and Mr. Speaker—66.

On motion,

The further call of the House was suspended.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Bethell, Blake, Bowman, Boyd, Brown, Bryan, Claypool, Conduitt, Crawford, Crowe, Cullen, Denby, Douglass, Early, Harrison, Haw-

kins, Hayden, Hoagland, Humphreys, Kerr, Landiss, Larue, Lewis, Marvin, Merrifield, Moon, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neff, Reese, Schermerhorn, Sherrod, Steele, Stillwell, Studabaker, Todd, Trippet, Van Sandt, Wagner, Williams of Lagrange, and Mr. Speaker—49.

*Those who voted in the negative were,*

Messrs. Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Davis of Hendricks, Duncan, Grose, Herod, Jefferis, Lane, Massey, Mercer, Modesitt, Neal, Price, Shoulders, Slicer, Taggart, Whitcomb, and Williams of Lagrange—20.

So the bill did not pass for want of a constitutional majority.

By unanimous consent,

Mr. Hayden, from the committee on claims, made the following report:

MR. SPEAKER:

The committee on claims, to whom was referred House bill No. 340, entitled an act for the relief of Calvin Williams, late treasurer of Warrick county, beg leave to report the same back to the House, and recommend that the bill be laid on the table.

Which report was concurred in and the bill laid on the table.

Senate bill No. 120. A bill to enable married women, whose husbands have absented themselves, to exercise the rights of resident householders.

Was taken up and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Bethell, Blake, Bowman, Boyd, Brown, Bryan, Clapp, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Hendricks, Denby, Douglass, Duncan, Early, Grose, Harrison, Hawkins, Hayden, Hoagland, Jefferis, Kerr, Lane, Larue, Lewis, Mercer, Merrifield, Modesitt, Moon, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neal, Neff, Reese, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Steele, Stillwell, Studabaker, Taggart, Todd, Trippet, Van Sandt, Wagner, Wallace, Whitcomb, Williams of Knox, and Williams of Lagrange—64.

*Those who voted in the negative were,*

Messrs. Humphreys, Massey, Price, and Mr. Speaker—4.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

On motion by Mr. Kerr,

House bill No. 362. A bill to provide for the safe keeping of the public money, and of bonds and other securities entrusted to the care of certain officers.

Was taken up, and

On motion,

Indefinitely postponed.

On motion by Mr. Kerr,

Senate joint resolution No. 6, to authorize the superintendent of public instruction to furnish to the State prison one township library.

Was taken up, and

On motion,

Indefinitely postponed.

On motion by Mr. Williams of Lagrange,

House bill No. 354, a bill to amend sections 95, 96, and 97, of an act entitled an act providing for the settlement of decedents estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement.

Was taken up and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Ayres, Bethell, Blake, Bowman, Boyd, Brown, Clapp, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Crowe, Davis of Hendricks, Denby, Douglass, Duncan, Early, Gordon, Grose, Harrison, Hawkins, Hayden, Hoagland, Jefferis, Kerr, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moon, Moore, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neal, Neff, Reese, Reyman, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Steele, Stillwell, Studabaker, Taggart, Todd, Trippet, Van Sandt, Wagner, Wallace, Whitcomb, Williams of Knox, and Williams of Lagrange, —63.

*Those who voted in the negative were,*

Messrs. Conduitt, Cullen, Humphreys, and Mr. Speaker—4.



So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Senate bill No. 108. A bill to amend an act providing for the election and prescribing certain duties of county surveyors.

Was taken up and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs Abel, Adams, Allen, Ayres, Bethell, Blake, Bowman, Boyd, Brown, Clapp, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Hendricks, Denby, Douglass, Duncan, Early, Gordon, Harrison, Hawkins, Hayden, Hoagland, Humphreys, Jefferis, Kerr, Landiss, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Moon, McDonald of Lake, McGinnis, McKinney, Neal, Neff, Price, Reese, Reyman, Schermerhorn, Shoulders, Shuman, Slicer, Stillwell, Stone, Studabaker, Taggart, Todd, Trippet, Van Sandt, Vawter, Wagner, Wallace, Whitcomb, Williams of Knox, Williams of Lagrange, and Mr. Speaker—67.

No member voted in the negative.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

On motion by Mr. Bethell,

House bill No. 364. A bill making specific appropriations for the year 1857.

Was taken up.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Bethell, Blake, Bowman, Boyd, Brown, Claypool, Colgrove, Conduitt, Crawford, Crowe, Cullen, Denby, Douglass, Duncan, Early, Evans, Gordon, Harrison, Hawkins, Hayden, Hoagland, Humphreys, Kerr, Landiss, Lane, Larue, Lewis, Marvin, Merrifield, Modesitt, Moon, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neff, Reese, Reyman, Schermerhorn, Sherrod, Shuman, Steele, Stillwell, Studabaker, Todd, Tripp t, Van Sandt, Wagner, Wallace, Williams of Lagrange, Mr. Speaker—54.

*Those who voted in the negative were,*

Messrs. Ayres, Clapp, Conner of Wabash, Davis of Hendricks, Dobbins, Jefferis, Massey, Mercer, Neal, Slicer, Vawter, Whitcomb, and Williams of Knox—13.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

A message from the Senate by Mr. Harvey, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have concurred in the engrossed amendments of the House to the engrossed bill of the Senate, viz :

No. 63. A bill to amend the 6th, 22d, 78th, 79th, 96, 119th, and 194th sections, and to repeal sections 99, and seventy-three, of an act entitled an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State, approved June 21, 1852, and to provide for the assessment and taxation of banks, brokers, stock jobbers, insurance companies, trust companies, savings institutions, gas companies, and other joint stock companies, whose taxation is not specifically provided for.

A message from the Senate by Mr. Harvey, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills of the House, without amendment. viz :

No. 320. An act providing for transfers of scholarships in the Indiana University for valuable consideration : Also,

No. 224. An act for the relief of persons who have borrowed money from the sinking fund of this State.

A message from the Senate by Mr. Harvey, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives—  
H. J.—71.

tives, that the Senate have passed the following engrossed joint resolution of the House, viz:

No. 21. A joint resolution for the relief of Henry P. Rowen, swamp land treasurer of Pulaski county—without amendment.

A message from the Senate by Mr. Harvey, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have concurred in the engrossed amendment of the House to engrossed bill of the Senate:

No. 56. A bill to provide for the relief and support of married women when deserted by their husbands, and children when deserted by their parents, by the sale of property.

A message from the Senate, by Mr. Harvey, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills of the House, without amendment, viz:

No. 308. A bill relative to the printing, binding, and distribution of the session acts, House, Senate, and documentary journals, declaring who shall be entitled to a copy of the same, authorizing the Secretary of State to dispose of copies of acts by sale, when called for, and allowing such secretary a compensation for superintending such printing, binding, and distribution: Also,

No. 272. A bill to prevent market houses from being built upon the streets of towns and cities, without the consent of two thirds of the owners of lots on such streets, and to authorize the removal of the same.

Mr. Marvin, chairman of the committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have compared engrossed House bills No. 355 and 361 with the original and amendment, and find them correctly engrossed.

Mr. Marvin, chairman of the committee on engrossed bills, made the following report:

**MR. SPEAKER :**

The committee on engrossed bills have compared House bills Nos. 172, 278, 356 and 354 with the originals, and find them correctly engrossed.

Mr. Todd, from the committee on engrossed bills, made the following report :

**MR. SPEAKER :**

The committee on engrossed bills have examined House bills Nos. 39 and 49, and find them correct.

Mr. Crowe, chairman of the committee on enrolled bills, made the following report .

**MR. SPEAKER :**

The committee on enrolled bills have compared enrolled bill of the House No. 134 with the engrossed copy thereof, and find the same correctly enrolled.

Mr. Crowe, chairman of the committee on enrolled bills, made the following report :

**MR. SPEAKER :**

The committee on enrolled bills have compared enrolled joint resolution of the House No. 21 with the engrossed copy thereof, and find the same correctly enrolled.

Mr. Crowe, chairman of the committee on enrolled bills, made the following report :

**MR. SPEAKER :**

The committee on enrolled bills have compared enrolled bill of the House No. 272 with the engrossed copy thereof, and find the same correctly enrolled.

Mr. Crowe, chairman of the committee on enrolled bills, made the following report :

**MR. SPEAKER :**

The committee on enrolled bills have compared enrolled bills of the House No. 178 with the engrossed copy thereof, and find the same correctly enrolled. .

A message from the Governor by Mr. Osborne, his Secretary :

MR. SPEAKER :

I am directed by the Governor to inform the House, that he has approved and signed the following bills.

House bill No. 129. An act to provide for the government and discipline of the State Prison, and to repeal an act to provide for the government and discipline of the State Prison, approved March 3, 1855, and all other laws or parts of laws inconsistent therewith.

House bill No. 242. An act to enable the different counties in the State having a swamp land fund, to ascertain and use the amount thereof, for the purpose of ditching the swamp lands therein. Also,

House bill No. 84. An act to amend the 31st section of an act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties, approved June 11th, 1852, and to amend the 46th and 48th sections of said act. Also,

House bill No. 88. An act for the incorporation and continuance of building, loan fund, and savings associations.

On motion by Mr. Bethell,  
The House adjourned.

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SATURDAY MORNING, 8½ O'CLOCK, }  
March 7, 1857. }

The House met.

The clerk proceeded to read the journal.  
When,

On motion by Mr. Crowe,  
The further reading of the journal was dispensed with.

On motion by Mr. Crowe,

A call of the House was ordered.

The Clerk proceeded with the call, when the following members answered to their names :

Messrs. Allen, Austin, Ayres, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branson, Bryan, Clapp, Clark, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Davis of Hendricks, Denby, Dobbins, Douglass, Duncan, Early, Edson, Evans, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Jefferis, Kerr, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moore, McDonald of Lake, McGinnis, McKinney, Neal, Price, Schermerhorn, Sherrod, Shoulders, Slicer, Sloss, Smith of Bartholmew, Steele, Stillwell, Stone, Studabaker, Todd, Trippet, Van Sandt, Vawter, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williamson, and Mr. Speaker—67.

On motion,

The further call of the House was suspended.

Mr. Schermerhorn, from the committee on claims, made the following report :

**MR. SPEAKER :**

The committee on claims, to whom was referred House joint resolution No. 19, authorizing the Attorney General to commence suit against Elijah Newland, former Treasurer of State, on behalf of the institution for the blind, have had the same under consideration, and have directed me to report the same back to the House and recommend its passage.

On motion,

The report was then concurred in, the joint resolution considered as engrossed, and read a third time.

The question being, shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Austin, Ayres, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branson, Brown, Clapp, Clark, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crowe, Davis of Hendricks, Dobbins, Duncan, Early, Evans, Harrison, Hayden, Herod, Hoagland, Humphreys, Jefferis, Kerr, Lane, Lewis, Massey, Mercer, Merrifield, Modesitt, Moore, McDonald of Lake, McGinnis, McKinney, Neal, Reese, Schermerhorn, Sherrod, Should-



ers, Slicer, Sloss, Smith of Bartholomew, Stone, Studabaker, Taggart, Todd, Trippet, Van Sandt, Vawter, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, and Williamson—63.

*Those who voted in the negative were,*

Messrs. Bryan, Douglass, Hawkins, and Mr. Speaker.—4.

So the joint resolution passed.

*Ordered,* That the Clerk inform the Senate thereof.

By unanimous consent,

The title of the joint resolution was amended to read as follows:

No. 19. A joint resolution authorizing the Attorney General to obtain from the proper person to pay the same, a sum of money in controversy between Elijah Newland, late Treasurer of State, and the Institution for the blind.

*Ordered,* That the Clerk inform the Senate thereof.

Mr. Stillwell moved to change his vote given on the passage of the specific appropriation bill.

Which was not agreed to.

By unanimous consent,

Mr. Blake offered the following resolution:

*Resolved,* That so much of the journal as refers to specific appropriation bill, be referred to a select committee of three.

Which was agreed to, and

Messrs. Blake, Humphreys, and Gordon, were appointed said committee.

Mr. Denby, chairman of the committee on elections made the following report:

MR. SPEAKER:

The majority of the committee on elections, to whom was referred the matter of the contested election in Rush county, in which Samuel McBride is contestant, and Leonidas Sexton, contestee, would report to the House of Representatives, that they have endeavored to institute a careful and thorough examination into the

frauds alleged to have been committed in the petition submitted to them by the contestant. They have in their possession depositions taken in relation to the matter by both parties, copies of which are herewith submitted, together with the evidence given by the witnesses who have testified before the committee. Being clothed with the usual powers "to send for persons and papers," they proceeded to summon those persons who they had reason to believe were cognizant of the facts bearing on the case. From the nature of the case, the witnesses were of course, chiefly members of that party alleged to have committed the frauds.

In the discharge of their duty, the committee desired to hasten the examination of witnesses, with a view to be able to make an early report to the legislature. The only material facts elicited, will be found to be embraced in the testimony of the first witnesses summoned. The formation of a combination to carry the elections of Rush county by fraud, is by these witnesses clearly proved and the existence of the organization established.

By the evidence of Messrs. Ray, Sprigg, and Williams, examined early, certain prominent members of the Republican party being clearly implicated, a summons was issued for them, but no efforts were successful to bring them before the committee. The writ of subpœna was utterly disregarded, and even an attachment, duly issued by the Speaker of the House for contempt in failing to appear, had no better effect. One gentleman so much feared to make disclosures within his knowledge, that when in custody of the sergeant-at-arms, he broke his parole of honor, and fled to Kentucky. Others left their homes, visiting other distant States. Your committee believe, and here confidently assert, that if the actors in these frauds could have been compelled to come forward and testify, a conspiracy of a character heretofore unknown for its extent and character, would have been laid bare. Enough has been developed by the evidence herewith submitted, to implicate men heretofore considered of the highest respectability and, prominent members of the Republican party of Wayne and the adjoining counties, in devising and carrying out plans calculated to pollute the ballot box, and render the election of members of the legislature a matter to be controlled by money. Not the least important result of these investigations is the establishment of the fact that this fraudulent arrangement extended far beyond Rush county. From the evidence, your committee have no doubt that the same foul and corrupt means succeeded in several other counties, but particularly in the county of Marion. Although in the investigations questions were confined to fraud in the county of Rush, yet witnesses inadvertently disclosed these facts, and Mr. Williams particularly testifies, that in sending young men abroad, he sent them indiscriminately to Marion or Rush. The contemplation of the development made is painful, viewed either in relation to its extent, or the former character of those who have taken so active a part in its consummation.

We find at least one member of the State Senate, judges, and other functionaries, not only giving encouragement and countenance to the project, but taking the lead; and active among them was the brother of the contestee himself. Judge Perry clearly testifies in his account of the meeting held in Richmond early during the canvass, that these heartily approved the plan proposed, and other witnesses prove how well they carried it into faithful execution.

The testimony shows, that the avowed object was to procure young men without families, citizens and voters in those counties having (as was the case with Wayne and Henry) large Republican majorities, and induce them to migrate a short time before the October election, into Rush county to vote at that election, and having done so, their object in going thither was accomplished, and they might return as soon thereafter as they should choose, to their place of residence.

The evidence conclusively points to John C. Hudelson, clerk of Henry circuit, as treasurer, and principal contractor to furnish "outside" voters for Rush county. It is in evidence, that he deposited with Watkin Williams, of Wayne county, \$50 for that express purpose—that he sent, by a son of Solomon Meredith, \$350 to E. D. Sprigg, of Wayne county, for a like purpose. Mr. Hudelson left the State and has been sojourning in some of the eastern cities up to the present time. This makes the handsome sum of \$400 furnished to persons in two townships only, while it is clearly proved that the same arrangement extended to other townships in the same county.

This was not, either, the county of Mr. Hudelson's residence—he lives in the county of Henry, which gives some 1,500 Republican majority. Many of the witnesses from both counties say that they had plenty of votes to spare; and if Mr. Hudelson was willing to invest that sum of money in two townships, what amount did he likely expend in the remaining townships of Wayne and Henry? His friend, neighbor, and co-laborer, Elijah Holland was not only subpœnaed, but afterwards attached, and when brought to the city, ingloriously fled, when under his parole of honor to the Sergeant at-arms.

A. F. Woodcock, the depot master, and agent at Rushville for the reception and distribution of foreign Republican votes, has not only failed to obey the subpœna to appear before this committee, but it is in evidence that he likewise failed, in his own county, to appear before a justice of the peace, to testify in this same case. Mr. Hackleman swears that he asked him if he could be compelled to attend, and he gave his opinion that he could not.

Mr. Joel Smith, the Republican candidate for treasurer in Rush county, was duly subpœnaed to appear before this committee. It appears, by the testimony of Mr. Hackleman, that Mr. Smith was in his office, at Rushville, on Tuesday of last week, and that he had a conversation with him on the subject of the power of this

committee to attach, and he gave him a like opinion. Mr. Smith has, to this time, failed to appear. Mr. Smith was regarded as a most important witness in the case. So the committee might go on and enumerate many other persons acting with the same disregard of the summons issued by this committee. It is unnecessary to say that this conduct is alike disrespectful to this committee and the House, under whose authority they have acted. It taints the case and the actors in it with suspicion, and gives the whole an odor of fraud, which deserves the unqualified condemnation and rebuke of the House of Representatives.

The contestee in this case shows by returns from the county of Rush, that he has received a majority of ninety-six (96) of all the votes cast for Representative at the October election of 1856. The real question for the committee and the House to decide, is, were there more than that number of fraudulent or illegal votes cast for the contestee, Leonidas Sexton, than the above reported majority? Your committee will submit a synopsis of the evidence showing the number of illegal votes proved to have been polled in the carrying out of the plan for the colonization of foreign voters by those combined and acting together for the purpose—they, according to E. D. Sprigg, sent through his own agency, nineteen from Wayne—Mr. A. W. Ray sent Brothers, and heard Wideman say that he had voted illegally in Rush county—David T. Smith proves the votes of Harrison Burke, Alison and Justice—Jacob Smelser testifies to two of these itinerant voters being at his house and voting, one at his brother's, Jesse Smelser, one at Hinchman's; all evidently voting, and illegally, and also voting the Republican ticket—also, one at Ross's, and two at Bell's. Geo. W. Stevenson testifies to two of these votes imported, and Joseph Riddle testifies to the fact, that Weaver and Thornburg both voted in Rush—also to George Sell, an illegal voter, having voted in Rush. David W. Reed issued three tickets; Watkin Williams put out into what he deemed the hands of proper persons, five or six. Kinsey and Cordelius Harris clearly testify to the wagon load of six, while the depositions clearly prove the polling of at least fifteen illegal Republican votes. This together, makes seventy one votes unquestionably illegal, and almost certainly all those Republican, and voting for the contestee, Sexton.

In the examination of Hackleman, he testifies that Mr. Woodcock had told him that he had no knowledge of more illegal votes in Rush county than one-half Sexton's majority, which was ninety-six. This, then, is really good testimony of forty-eight, to his own knowledge, and places the election of the contestant in hardly a doubtful light. And in this connection, the committee would speak of the conduct of the counsel for the contestee, if not giving the advice to disregard the attachment, at least giving the opinion that the House of Representatives possessed no power to compel the attendance of witnesses. This conduct, they deem, under the circumstance, highly reprehensible.

The testimony of Geo. Hibben shows a long list of persons who voted in the single township of Ripley, Rush county, at the October election, who did not vote there at the November election, while the poll books of Spiceland township, Henry county, which lies adjoining, shows a proportionate increase at the November election; and of the list furnished by Mr. Hibben, about twenty of the number are proved by evidence herewith filed, to have been *bona fide* residents of other counties, although they voted in Rush. This, without other strong and (to your committee.) conclusive evidence, shows clearly that there were more illegal votes cast than the amount of majority claimed by the contestee. In scarce a single instance has a single illegal Democratic vote been proved to have been cast, nor has the charge of any combination, for the purpose of importing illegal Democratic voters been in any instance proved. It is only a presumption on the part of the committee, that these illegal votes were cast for Leonidas Sexton—that presumption is founded on the testimony that the persons were Republican in sentiment, that they were employed to go there to vote by Republicans, and their voting advocated, and themselves under the protection and patronage of members of the Republican party. The committee are satisfied that a much larger illegal vote than this was polled in Rush county at the October election. They believe it because the leaders who have testified, say that they feared the Democrats would import as high as three hundred Irish voters, and all say “it was their duty to meet it (or overcome it.) in the same way.” They seemed to have lacked neither money, men or energy in the carrying out of their object. The county of Rush is proved to have been a rural one, not increasing, for the census of 1850 shows a falling off from that of 1840.

The votes for several years show that there were cast, in

1844.....	2,084
1848.....	2,921
1852.....	3,106
1854.....	2,961
1855.....	3,102

While in 1856, there were cast ..... 3,543 votes!

This increase can be accounted for in no other way than by the explanation of many illegal votes having been cast. The vote is increased 441 over that of the previous year, which canvass of 1855 is proved to have been one of the most exciting ever witnessed in Rush county. The importation is proved to have taken place chiefly from the adjoining counties of Wayne and Henry. On examination of the votes of these counties, as filed in the office of Secretary of State, Wayne *increased*, at the November election, over the vote of October, 375; Henry increased 345; whereas, Rush fell off 121 votes—although it is proved that some of those



voting illegally at the October election, remained until after the presidential election.

The committee deeply regret the attempt on the part of the contestee to invalidate the testimony of David T. Smith, of Richmond. This they have wholly failed to do in any material point. It were an easy matter for Mr. Smith to have been deceived in relation to the presence of a single individual, at a meeting after night, as he doubtless was in the case of Senator Yaryan. But if he committed any other error—if he was wrong in saying that Mr. Burke, Mr. Roberts, or other persons were present—why do they not, in these cases, bring up the gentlemen and disprove it under their oath? These individuals are, and have been in the city during the winter. The arrangement of the room No. 7, and whether or not there is a treasurer, is only a small affair at best. Several gentlemen, Judge Perry, Squire Lyle, and Judge Benton, all leading Republicans, testify to the same meetings, and the same persons present, (except Yaryan.) and to the object for which they were convened; while Lyle names Messrs. Meredith and Hudelson as being present.

If the committee considered it a part of their duty to digress, and comment on the character of the testimony, they would, unqualifiedly, condemn the reluctance with which many testified, amounting, in several instances, to the withholding of pertinent and required testimony. They could also place, side by side, the testimony of P. W. Kinsey, "that he did not receive money, property, or promises," with that of Wat. Williams, that "he did pay him \$10;" and his statement, that "he did not meet the wagon to take him back to Wayne, by agreement," with that of Cornelius Harris, that "he told him they would have a wagon to ride home in;" and, after his denial of any knowledge of an arrangement for the purpose, the proof that he had given him one of the tickets referred to. But this is rather the province of the grand jury of Marion county, who, if they would examine it, would prove the unfitness of that gentleman for his avocation of school teacher, and consign him to a situation in which, for some years, illegal voting would not be among his weaknesses.

While the committee are satisfied, and regret that the case has not received that thorough examination and probing, which the magnitude of the fraud and its serious character demands, yet, from the imperfect development before them, they are convinced that sufficient frauds have been perpetrated to place it beyond a reasonable doubt, that the contestee is not entitled to occupy the seat of Representative from Rush county. The cause of good morals and public justice demands a more thorough examination. Until that is made, your committee would recommend that the seat remain vacant; and if a future session of this legislature be called, this matter can be examined and brought to a correct and final issue. They, therefore, will not decide which of the



gentlemen, if either, are entitled to occupy the seats, and further recommend that both the contestant and contestee be allowed the usual per diem and mileage.

CHARLES DENBY, *Chairman*.  
ELIAS ABEL,  
H. M. MARVIN,  
A. J. NEFF.

On motion by Mr. Humphreys,

The report was laid on the table and five thousand copies ordered to be printed.

#### SENATE BILLS ON THIRD READING.

No. 93. A bill to prevent betting on elections, and providing punishment for the same.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Austin, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branson, Brown, Bryan, Clapp, Clark, Conner of Hamilton, Conner of Wabash, Crawford, Cullen, Davis of Hendricks, Denby, Dobbins, Duncan, Early, Edson, Evans, Gordoo, Grose, Hawkins, Hayden, Herod, Hoagland, Jefferis, Kerr, Lane, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moon, Moore, McGinnis, McKinney, Neal, Price, Reese, Shuman, Slicer, Smith of Bartholomew, Smith of Delaware, Steele, Stone, Taggart, Todd, Trippet, Vawter, Ward, Whitcomb, Wiley, Williamson, Wright, and Mr. Speaker—62.

*Those who voted in the negative were,*

Messrs. Crowe, Douglass, Humphreys, Sherrod, Shoulders, Stillwell, and Williams of Knox—7.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

No. 50. A bill to amend an act entitled an act to incorporate the Clay cotton mills, approved February 15, 1848

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Ayres, Ballenger, Batterton, Bethell, Blake, Bowman, Boyd, Branson, Brown, Bryan, Clark, Claypool, Conner of Hamilton, Conner of Wabash, Conduitt, Crowe, Davis of Hendricks, Dobbins, Douglass, Duncan, Early, Edson, Evans, Grose, Harrison, Hawkins, Hayden, Hoagland, Humphreys, Jeffers, Kerr, Lane, Larue, Lewis, Massey, Mercer, Modesitt, McGinnis, McKinney, Price, Reese, Schermerhorn, Sherrod, Smith of Delaware, Studabaker, Todd, Taggart, Trippet, Vawter, Wallace, Ward, Whitcomb, Wiley, and Mr. Speaker—58.

*Those who voted in the negative were,*

Messrs. Clapp, Denby, Herod, Marvin, Moore, Neal, Shoulders, Shuman, Slicer, Williams of Knox, and Williamson—11.

So the bill passed.

*Ordered,* That the clerk inform the Senate thereof.

Senate joint resolution No. 1, on the subject of printing the statutes.

Was read a third time.

The question being, shall the joint resolution pass ?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Austin, Ayres, Ballenger, Batterton, Bethell, Blake, Bowman, Branson, Bryan, Clapp, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crowe, Cullen, Davis of Hendricks, Dobbins, Douglass, Duncan, Early, Edson, Evans, Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Kerr, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, McGinnis, McKinney, Neal, Price, Reese, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Delaware, Steele, Stillwell, Stone, Studabaker, Taggart, Todd, Trippet, Vawter, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williamson, and Mr. Speaker—67.

Mr. Moore voted in the negative.

So the joint resolution passed.

*Ordered,* That the Clerk inform the Senate thereof.

A message from the Senate by Mr. Harvey, their Secretary.

MR SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bills of the House, viz:

No. 267. A bill to enable railroad companies to alter the line of railroads when sufficient stock cannot be raised to complete the same according to the original design thereof.

With sundry amendments thereto, in which the concurrence of the House of Representatives is respectfully requested.

On motion,

The amendments of the Senate to House bill No. 267 contained in the foregoing message were concurred in.

A message from the Senate by Mr. Harvey, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed the following engrossed bill of the House, viz.

No. 148. A bill to amend the first section of an act entitled an act concerning licenses to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show; and legerdemain, approved June 15, 1852, and for the encouragement of agriculture, with one engrossed amendment thereto.

In which the concurrence of the House of Representatives is respectfully requested.

On motion by Mr. Williamson,

The engrossed amendment of the Senate to House bill No. 148, contained in the foregoing message was concurred in.

Senate bill No. 80, a bill to amend the 138th sec. of an act entitled an act providing for the settlement of decedents estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlements.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Austin, Ayres, Bethell, Blake, Bowman, Boyd, Branson, Brown, Bryan, Carnahan, Clapp, Colgrove, Conner

of Hamilton, Conner of Wabash, Conduitt, Davis of Hendricks, Dobbins, Douglass, Duncan, Early, Edson, Evans, Harrison, Hawkins, Herod, Hoagland, Jefferis, Lane, Larue, Lewis, Massey, Mercer, Merrifield, Moore, McDonald of Lake, McGinnis, McKinney, Price, Reese, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Stone, Studakaker, Taggart, Todd, Trippet, Van Sandt, Vawter, Wallace, Ward, Whitcomb, Wiley, Williamson, and Mr. Speaker.—63

*Those who voted in the negative were,*

Messrs. Humphreys, Kerr, Marvin, and Neal—4.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

By unanimous consent,  
On motion by Mr. Lane,

*Resolved,* That the principal clerk be directed to distribute all the public documents ordered to be printed and remaining undistributed after the close of the session, and forward them by express when practicable, to each of the members of this House.

By unanimous consent,  
On motion by Mr. Studakaker,

*Resolved,* That the Secretary of State is hereby directed to have the journals of the House to which each member is entitled, bound in law binding and forwarded to each member thereof.

Mr. Larue, from a select committee made the following report :

**MR. SPEAKER :**

The select committee, to whom was referred House bill No. 130, a bill to create the — judicial circuit, &c., have had the same under consideration, and have instructed me to report the same back, and owing to the amount of unfinished business on the files, recommend its indefinite postponement.

Which report was concurred in, and the bill indefinitely postponed.

Senate bill No. 106. A bill to amend the 23d section of an act entitled an act defining misdemeanors, and prescribing punishments therefor, approved June 14, 1852.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Austin, Ballenger, Batterton, Blake, Bowman, Boyd, Branson, Brown, Bryan, Carnahan, Clapp, Claypool, Conner of Hamilton, Conner of Wabash, Davis of Hendricks, Duncan, Edson, Evans, Grose, Harrison, Hawkins, Hayden, Humphreys, Jefferis, Lane, Larue, Lewis, Massey, Marvin, Merrifield, McDonald of Lake, McKinney, Neal, Price, Schermerhorn, Shoulders, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stone, Taggart, Todd, Van Sandt, Vawter, Wallace, Ward, Whitcomb, Wiley, Williams of Lagrange, Williamson, and Mr. Speaker—55.

*Those who voted in the negative were,*

Messrs. Adams, Ayres, Colgrove, Conduitt, Crowe, Dobbins, Douglass, Early, Herod, Hoagland, McGinnis, Reese, Sherrod, Stillwell, Trippet, and Williams of Knox—18.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

By unanimous consent,

On motion by Mr. Crowe,

*Resolved,* That the thanks of this body be tendered to the principal and assistant clerks, and the principal and assistant doorkeepers of this House for the efficient manner in which they have discharged their duties during the present session.

By unanimous consent,

Mr. Claypool, from the committee on the judiciary, made the following report:

**MR. SPEAKER:**

The judiciary committee, to whom was referred the petition of Patrick Shannon, touching the claims of the heirs of Thomas Shannon, deceased, against the State, for work done by said deceased on the Wabash and Erie Canal, have had the same under consideration, and directed me to report the same back and recommend that it be laid on the table, there not being sufficient time to investigate the facts in the case, before the adjournment of the General Assembly.

Senate bill No. 73. A bill to provide for the disposition of real estate of aliens dying or having died intestate or testate, without heirs or devisees capable of taking such real estate by devise or descent.

Was read a third time, and

On motion,

Referred to a select committee of three, with instructions to enquire into its constitutionality.

Senate bill No. 37. A bill to amend the first section of an act entitled an act to amend the charter of the Indianapolis and Bellefontaine railroad company, passed January, 1850.

Was read a third time,

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Austin, Ayres, Batterton, Bethell, Blake, Boyd, Branson, Brown, Bryan, Clapp, Clark, Conner of Hamilton, Conner of Wabash, Crowe, Evans, Gordon, Grose, Hawkins, Hayden, Jefferis, Landiss, Lane, Larue, Lewis, Massey, Mercer, Merrifield, Modesitt, McDonald of Lake, McKinney, Price, Sherrod, Sloss, Smith of Delaware, Stillwell, Taggart, Todd, Van Sandt, Vawter, Ward, Whitcomb, Williams of Lagrange and Mr. Speaker—45.

*Those who voted in the negative were,*

Messrs. Allen, Bowman, Carnahan, Conduitt, Davis of Hendricks, Dobbins, Douglass, Duncan, Early, Edson, Harrison, Herod, Hoagland, Marvin, Reese, Schermerhorn, Shoulders, Studabaker, Trippet, Wallace, Wiley, and Williams of Knox—24.

So the bill did not pass for want of constitutional majority.

By unanimous consent,

On motion by Mr. Merrifield,

*Resolved*, That the select committee appointed in the early part of this session, to investigate certain charges contained in the Governor's message of "fraud and corruption" in the passage of the bill chartering the bank of the State of Indiana, by the last legislature, be required to report, at 4 o'clock this afternoon, the result of their investigation.

Senate bill No. 32. A bill supplemental to the ninth article of an act entitled an act to revise, simplify, and abridge, the rules, practice, pleadings, and forms, in civil cases in the courts of this State, to abolish distinct forms of action at law, to provide for the

H. J.—72.



administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Austin, Bethell, Blake, Bowman, Boyd, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Conner of Hamilton, Conner of Wabash, Crowe, Denby, Dobbins, Duncan, Early, Edson, Evans, Gordon, Grose, Harrison, Hawkins, Hayden, Hoagland, Jefferis, Kerr, Larue, Lewis, Mercer, Merrifield, McDonald of Lake, McGinnis, McKinney, Reese, Sherrod, Shoulders, Shuman, Stillwell, Studabaker, Todd, Van Sandt, Vawter, Wagner, Ward, and Mr. Speaker—49.

*Those who voted in the negative were,*

Messrs. Ayres, Batterton, Davis of Hendricks, Douglass, Herod, Humphreys, Lane, Massey, Marvin, Modesitt, Neal, Slicer, Sloss, Taggart, Trippet, Wiley, Williams of Knox, and Williamson—18.

So the bill did not pass for want of a constitutional majority.

Mr. Larue, from a select committee, made the following report:

**MR. SPEAKER :**

The select committee, to whom was referred Senate bill No. 73, a bill to provide for the disposition of real estate of aliens dying or having died intestate or testate without heirs or devisees capable of taking such real estate by devise or descent, have had the same under consideration, and a majority of the committee have instructed me to report, that in their opinion legislation on the subject is inexpedient; they therefore recommend that the bill be indefinitely postponed.

Which report was concurred in, and the bill indefinitely postponed.

Senate bill No. 65. A bill to amend sections 33 and 123 of an act entitled an act to revise, simplify, and abridge, the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18th, 1852

Was read a third time.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Abel, Batterton, Blake, Bowman, Brown, Bryan, Clapp, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Crowe, Cullen, Dobbins, Douglass, Evans, Grose, Harrison, Hawkins, Hayden, Hoagland, Jefferis, Kerr, Lane, Merrifield, Modesitt, McDonald of Fountain, McGinnis, Sherrod, Smith of Delaware, Steele, Stillwell, Stone, Studabaker, Todd, Vawter, Wallace, Wiley, and Mr. Speaker—39.

*Those who voted in the negative were,*

Messrs. Allen, Ayres, Bethell, Branson, Carnahan, Clark, Conduitt, Crawford, Davis of Hendricks, Duncan, Edson, Herod, Humphreys, Larue, Lewis, Massey, Marvin, Mercer, McKinney, Price, Shoulders, Sloss, Smith of Bartholomew, Taggart, Trippet, Whitcomb, Williams of Knox, and Williamson—28.

So the bill did not pass for want of a constitutional majority.

By unanimous consent,  
On motion by Mr. Abel,

*Resolved*, That his Excellency, the Governor, be requested to return to this House enrolled bill of the House No. 320, in order that an enacting clause may be inserted in said bill.

Mr. Brown moved that the House adjourn.

Which was not agreed to.

On motion,

Leave of absence was granted to Messrs. Ayres, Bethell, Branhams, and McFarland on account of sickness.

Mr. Todd offered the following resolution :

*Resolved*, That the committee on elections be directed to report to this House the entire expenses incurred in the investigation of the alleged frauds in the Rush county contested seat.

The ayes and noes were demanded by Messrs. Conner of Wabash and Gordon.

*Those who voted in the affirmative were,*

Messrs. Batterton, Boyd, Branson, Bryan, Carnahan, Clapp, Clark, Claypool, Conner of Hamilton, Conner of Wabash, Craw-

ford, Davis of Hendricks, Duncan, Early, Edson, Evans, Gordon, Grose, Hawkins, Hayden, Jefferis, Lane, Larue, Lewis, Massey, Mercer, Merrifield, Modesitt, Moon, McDonald of Fountain, Neal, Price, Reese, Schermerhorn, Sherrod, Sloss, Smith of Bartholomew, Smith of Delaware, Stillwell, Stone, Taggart, Todd, Trippet, Vawter, Wallace, Ward, Whitcomb, Williams of Knox, Williams of Lagrange, and Mr. Speaker—50.

*Those who voted in the negative were,*

Messrs. Abel, Allen, Bethell, Blake, Bowman, Brown, Conduitt, Crowe, Cullen, Dobbins, Douglass, Harrison, Herod, Hoagland, Marvin, McKinney, Studabaker, Wiley, and Williamson—20.

So the resolution was adopted.

Mr. Crowe, chairman of the committee on enrolled bills, made the foll wing report :

**MR. SPEAKER :**

The committee on enrolled bills have compared enrolled bills of the House Nos. 308 and 365, with the engrossed copies thereof, and find the same correctly enrolled.

Mr. Crowe, chairman of the committee on enrolled bills, made the following report .

**MR. SPEAKER :**

The committee on enrolled bills have compared enrolled bills of the House Nos. 224, 199 and 320 with the engrossed copies thereof, and find the same correctly enrolled.

A message from the Senate by Mr. Harvey, their Secretary :

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills of the House, without amendment. viz :

No. 246. An act to repeal the repealing clause of section fifty seven in an act entitled an act for the incorporation of insurance companies, defining their powers and prescribing their duties, approved June 17, 1852, and to renew the act incorporating the Madison marine insurance company : Also,

No. 210. A bill to amend the 26th section of an act enti-

tled an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judge thereof, approved May 14, 1852.

A message from the Senate by Mr. Harvey, their Secretary:

MR SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have passed, without amendment, the following House bill, viz :

No. 365. An act to apportion Senators and Representatives for the next four years.

A message from the Governor by Mr. Osborne, his Secretary :

MR. SPEAKER :

I am directed by the Governor to inform the House, that he has approved and signed the following bills:

House bill No. 178. An act to prevent emigration into the State, or from one county or township in this State into another county or township in this State, for the purpose of influencing or carrying the election in such other county or township, and prescribing penalties against persons aiding, abetting, counseling or engaged therein : Also,

House bill No. 272. An act to prevent market houses from being built upon the streets of towns and cities, without the consent of two thirds of the owners of lots on such streets, and to authorize the removal of the same : Also,

No. 134 An act to amend the first section of an act entitled an act providing for the incorporation of bridge companies, approved March 9, 1852, so as to authorize bridge companies to construct embankments across low bottoms, receive toll and obtain the right of way. Also,

House joint resolution No. 21. A joint resolution for the relief of Henry P. Rowan, swamp land treasurer of Pulaski county.

In obedience to a resolution of the House, House bill No. 320 is herewith returned.

ASHBEL P. WILLARD.

On motion by Mr. McDonald of Lake,

House bill No. 257. A bill to amend the first section of an act entitled an act prescribing the duties and fixing the compensation of State Agent, approved June 17th, 1852.

Was taken up.

The question being, shall the bill pass ?

Pending which,

On motion by Mr. Humphreys,  
The House adjourned.

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1½ o'clock, P. M.

The House met.

The question at adjournment being on the passage of House bill 257.

On motion by Mr. McDonald of Lake,  
The bill was laid on the table.

A message from the Senate by Mr. Harvey, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills of the House, without amendment, viz :

No. 213. An act to repeal all laws now in force for the incorporation of cities, and to provide for the incorporation of cities, to prescribe their powers and rights, and the manner in which the same shall be governed.

A message from the Senate, by Mr. Harvey, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following resolution, viz :

*Resolved*, That House bill No. 320 be returned from the House to the Senate, that the title to the same may be amended.

In which the concurrence of the House of Representatives is respectfully requested.

The resolution contained in the foregoing message was concurred in.

Senate bill No. 101. A bill to authorize county auditors, recorders and surveyors, to re-copy maps, plats, and field notes, when the original copies are worn or defaced, and prescribing the duties of county commissioners in relation thereto, and to repeal an act entitled an act to authorize county auditors and recorders to re-copy maps and plats when the original copies are worn or defaced, approved June 15, 1852.

Was taken up and read a third time.

On motion by Mr. Humphreys,  
Laid on the table.

Senate bill No. 77. A bill to amend the 6th section of an act entitled an act establishing general provisions respecting corporations, approved June 15, 1852.

Was taken up, read a third time, and

On motion by Mr. Humphreys,  
Laid on the table.

By unanimous consent,

On motion by Mr. Williams of Lagrange,

*Resolved*, That whereas, this is the last day of the session of this legislative body in which business can be transacted, that this House excuse each and every member from making any lengthy speech.

A message from the Senate by Mr. Harvey, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed, without amendment, the following engrossed bill of the House, viz:

No. 263. A bill repealing the 4th section of an act to regulate the mileage of sheriffs in conveying convicts to the State prison, and of county treasurers in making deposits, and in their



settlements with the Treasurer and Auditor of State, and the mileage of members of the General Assembly, approved June 17th, 1852.

A message from the Senate by Mr. Harvey, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed, without amendment, the following engrossed bill of the House, viz.

No. 305. An act to change the time of holding courts in the tenth judicial circuit, and to extend the length of the term in Allen county, and providing additional compensation to the judge thereof.

A message from the Senate, by Mr. Harvey, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have passed, without amendment, the following engrossed bill of the House, viz:

No. 314. An act to authorize the formation of new counties, and to change county boundaries.

A message from the Senate by Mr. Harvey, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have amended House bill No. 320, by inserting the words, "Be it enacted by the General Assembly of the State of Indiana"

In which the concurrence of the House is respectfully requested.

On motion by Mr. Abel,

The House unanimously concurred in the amendment of the Senate to House bill 320, contained in the foregoing message.

Mr. Moon, from the committee on elections, made the following report:

MR SPEAKER:

The minority of the committee on elections, make the following report in the case of the contested seat from Rush county :

Much time has been consumed in the investigation of this case before the committee; the papers show that much was consumed prior to the meeting of the legislature, in taking depositions by the parties, especially the contestor. The contestee seems to have had but little opportunity to take testimony, either before the commencement of the session, or since, had he deemed it necessary to do so, to sustain his right to a seat in the House of Representatives as the Representative elect from Rush county.

In a legal point of view, we are assured a large portion of the testimony taken by the contestor amounts to nothing. It does not fall within any of the rules of law recognized by the courts of the country, governing the admissibility of evidence to prove the existence of facts, in any civil or criminal procedure: the great mass of it, indeed nearly the whole of it, is of a secondary character, made up of the declarations of persons who are not parties to the contest and who are themselves competent witnesses to prove any facts within their knowledge, pertinent to the issue. It is also composed of the opinions, conjectures, belief and supposition of witnesses, which are wholly inadmissible as evidence.

The 2d section of the 2d article of the constitution defines the qualification of voters, and the law governing elections provides ample guarantees for the enforcement of this provision, or such, at least, as were deemed ample by the legislature. With the safeguards which the law has thrown around the ballot-box, the legal presumption is, that every man who is permitted to vote by the board of judges of the township or precinct, is a qualified voter; whoever assails the qualification of a voter, whether in a civil action or in a criminal prosecution, must rebut this presumption by sufficient proof of facts to the contrary. If his qualifications are disputed when he offers to vote, the law allows him to swear to his qualification. When this has been done, the presumption in favor of the legality of his vote, is still stronger, and it would require stronger evidence to rebut the presumption than if he had not been challenged and sworn.

The important facts which have been adduced before the committee, are contained in the certified copy of the tabular statement of the votes cast in Rush county at the October election, 1856, and the certificate of the board of canvassers of said election, which show that Leonidas Sexton, the contestee, received eighteen hundred and four votes, and Samuel McBride seventeen hundred and eight votes, for the office of Representative in the General Assembly from the county of Rush, and that no other person received any votes for that office. These tables and certificates

show that Mr. Sexton had ninety-six majority of the votes cast for Representative at that election, presenting as strong a *prima facie* case in favor of Mr. Sexton's right to his seat, as can well be imagined. It could only be made stronger by an increase of the majority. To rebut his *prima facie* right to his seat, the contestor must, under the law and grounds of contest filed by him, establish one of the two things:

*First*—Irregularity or misconduct of some member or officer of board of judges or board of canvassers, whereby the contestee was declared elected, when he had not received the highest number of legal votes.

*Second*—Illegal votes given to the contestee to a sufficient number, if taken from him, would reduce the number of his legal votes below the number of legal votes given to McBride for the same office.

There is no evidence before the committee assailing the conduct of the board of judges of any township, or the board of canvassers of said election. We are, therefore, bound to presume that the election was conducted in a regular and legal manner, and that the board of judges and board of canvassers discharged their respective duties with fidelity. The law presumes that an officer does his duty till the contrary is shown by competent testimony. We have then a starting point of ninety-six majority for Mr. Sexton, which has to be overcome under the second specification above, before he can be legally or constitutionally deprived of his seat as the duly elected Representative from the county of Rush. To show that this has not been done it is only necessary to refer to the mass of irrelevant testimony reported from the committee, and which ought never to have been admitted as evidence.

The principal attack was made on the vote cast in Ripley township. The total vote cast there was three hundred and eighty-one. The clerk of the Rush circuit court has furnished the committee with a list of thirty-eight names, which he says are on the poll books of that township, for the October elections, and not on the poll books of the presidential election of the year 1856. This is not evidence either that the votes were polled, or of their illegality. The best evidence is the poll books, or a certified copy of them. No evidence inferior to this is admissible. Even the production of the poll books or copies of them, would only show the names of the persons who voted. The fact that a name was on the poll books of the first election, and not on those of the last, or *vice versa*, would raise no presumption against the legality of the voter. But if it was even a circumstance in this case, it has been abundantly rebutted. The testimony in regard to the manner in which the election was conducted in that township, all concurs in establishing that strangers or persons not known or believed to be legal voters, were legally challenged and sworn or affirmed as required by the statute before being allowed to vote. The inspec-

tor of the election and one of the judges have testified on this subject, and to this effect. They are corroborated by all the other witnesses who have testified on that point. If the contestor assails the conduct of the board or the legality of the votes cast, the burden of proof devolves on him. Of the list furnished by the clerk, the contestee has proved that a large proportion of those included in it were legal voters, by the testimony of John H. Frazee, Jesse Henley, Jonathan Phelps and others. No such proof was necessary, until the illegality of the votes was shown, from the reason already stated—that the presumption of the law is, that they were legal. It devolves on the contestor, under the law to prove not only that the votes were fraudulent and void, but that they were cast for Mr. Sexton, before a y allegation of their illegality can be of any service to him in this contest. Of the thirty-eight names furnished by the clerk, the contestor has shown by the testimony of Frederick Newby, that the vote of his son Henry, and by the deposition of D. P. Pritchard, that his vote was legal. The contestee has shown by the testimony of the witnesses already referred to, that the votes of Asa P. Rayl, John Hollingsworth, Joseph Holloway, John Hunt, Branson Hall, and others in the list, were good voters under the constitution. But as already stated, every vote cast must be counted legal until it is successfully assailed by competent testimony.

The name of F. M. Tyner is on the list. Frederick Whitsel deposes that he voted the Republican ticket, that he had been absent in Oregon and the Sandwich Islands for a year or two prior to June last, when he returned to Indiana, and that he was working for him at Carthage, in Ripley township, at the time of the election. His deposition tends to prove that Mr. Tyner was a legal voter of that township, unless he had lost his residence in the State by his trip to Oregon and the Sandwich Islands. In the absence of proof, we think the legal presumption is, that he did not intend to forfeit his residence, and that he was constructively a resident of the State during his absence. There is some evidence, that there are men of the same names as some of those on the list, residing in Henry county, but there is no evidence to show that they resided there on the 14th of October, 1856, or that they are the same persons who voted in Ripley township, and as all persons voting were challenged and sworn, before being allowed to vote, we must presume in favor of the legality of the votes polled. There is ample testimony, that the aggregate vote of that township was not larger than the number of legal voters who were residents of the township at the time of, or shortly before the election. Mr. Frazee's polling in July and August, showed three hundred and seventy-eight legal voters, and Mr. Henley's, in Sept., to three hundred and eighty-six. His assessment of the township since the 1st of January of this year, enables him to state that there are now more legal voters in the township, than there were

votes cast in October, 1856. This evidence only strengthens the legal presumptions already stated.

Mr Geo. Hibben also furnishes a list of ten names, which he says are not on the poll books of Posey township at the presidential election, which are on the poll books of that township for the October election of 1856. This testimony is liable to the same objection, as that urged against his testimony in regard to his list for Ripley. There is no evidence to show that the persons embraced in it, were not all legal voters of that township. The name of Martin Bishop is in the list, but whether it is the same Bishop spoken of by Leonard, does not appear. There is no legal proof, that the Bishop referred to by Mr. Leonard, voted in Rush county. But if the whole ten were illegal voters, which is not to be presumed, but has to be proved,—it has not been shown how they voted, whether for Mr. Sexton or Mr. McBride, or either of them. The opinion of Jeremiah Beckner is entitled to no weight, as it relates to a matter, in regard to which, the opinions of witnesses are not admissible. The tabular statement of the votes polled at the October election, 1856, filed by the contestee, gives the total number at 3543, while it shows the united vote for Sexton and McBride to be only 3512, demonstrating that thirty-one persons who voted at the election, did not vote for Representatives. I presume that Bishop, Picket, or Symonds, were illegal voters, and that they voted for either Mr. Sexton or Mr. McBride, without proof of the fact, might do gross injustice to the voter, as well as to the parties to this contest.

There is no evidence that Carr, Antrim, W. H. Hudelson, and Harp Byers voted in Rush county, at least no satisfactory evidence of the fact. They voted in Center township, if they voted at all in the county. All the evidence taken before the committee, or contained in the depositions tends to establish that they were legal voters of that township. At least on the principle already laid down, it devolves on the contestor to show that they voted, that their votes were fraudulent, and that they were cast for the contestee, if he would avail himself of a charge to that effect.

The evidence of David McKee, if he testified from facts within his own knowledge, would establish the illegality of the vote of Samuel Stephens; but it is difficult from his deposition to determine whether he testified as to facts within his personal knowledge, or from hearsay or belief. But it is wholly immaterial whether Mr. Stephens was a legal voter or not, so far as the settlement of the question is concerned, as it is not shown whether he voted for Sexton or McBride, or either of them. The testimony in regard to Crawford's vote in Anderson, G. W. Doran, and Joel Edwards, amounts to nothing. The testimony of C. D. Morgan tends to prove the legality of the votes of Doran and Edwards, if they voted in Rush, of which there is no evidence. But if they were all three illegal voters, and actually voted, how did they vote for Representative? There is no proof upon this point.



As to the legality of the votes of Wm. H. Brothers, P. M. Kinsey, J. T. Williams, J. P. Walker, Jacob Widdeman, Levi Williams, Cornelius Harris, and Justice, if they were cast in Rush county, we have this to say, Widdeman, Brothers, Hinsey, and Harris all swear that they voted in Rush county, and that they were residents of the townships where they respectively voted, at the time of the election. If their testimony is sufficient to prove the former, it ought to be sufficient to prove the latter. As to the others, there is no proof that they voted in Rush county. The only doubt that can be raised in the case of the four who have testified that they voted, grows out of the evidence of E. D. Sprigg, Alex. Ray, Wat. Williams, D. Reed, and T. Leonard. If these young men were a party to an arrangement by which they were to go to Rush county simply to vote, and not with the intention of acquiring a residence there in good faith, their votes would be fraudulent. Their own testimony, however, contradicts this idea; as it is not shown for whom they voted, it is wholly immaterial in the settlement of this case, whether their votes were valid or invalid. The testimony of Joseph A. Gosnell, as to four illegal votes, having been cast in Richland township, is overcome by that of James McCorkle, A. P. Butler, C. S. Gwinup, and others. There can be no doubt as to their validity.

As to the alleged conspiracy between a portion of the citizens of Rush and other counties, for the purpose of defeating Mr. McBride, by the importation of voters from other counties into Rush, there is scarcely the shadow of evidence in its support. That there were some arrangements for increasing the vote of Rush county, which were reprehensible, is not to be denied. But there is no evidence that these arrangements were carried out, or that they embraced a sufficient number, directly or indirectly, who were to go to Rush, if they all went and voted for Mr. Sexton, to effect the result. The result of this alleged combination, as far as the same is disclosed by the testimony, amounted to this: Mr. Spriggs paid money to nineteen persons to defray their expenses to Rush county. Four or five of these men were known to him; the others were not only strangers, but he did not know their places of residence or their political sentiments. Wat. Williams paid money to four or five for the same purpose. Grant all that can be contended for, and these arrangements included but twenty-five. There is not the slightest proof, even of the sort which has been received in this case, nor the pretence of such proof, that more than ten or twelve of these persons went to Rush county, and none that any of these voted, except the testimony of the four whose names we have already mentioned. But if the arrangements had gone to the extent that every voter in Wayne and Henry was to go to Rush to vote, proof of the arrangement would be of no service to the contestor, unless he could show that persons from these counties did vote, that their votes were illegal, and that they were cast for the contestee, and in such numbers, as if taken from



his vote, would reduce it below the number of legal votes cast for McBride. There is an entire lack of proof nearly upon these points. If they could be proven, the contestor has had ample time and opportunity for that purpose.

There is some evidence going to show that some Democrats of Rush tried to get Democratic voters to come into that county to vote at the October election. We are not to presume that they succeeded, without evidence of the fact. The evidence discloses one remarkable thing, however, and that is this: While the contestor complains of an increase of the votes of the county, the returns show a greater increase for Mr. McBride, by twenty in the county, on the congressional vote of 1854, than there was for Mr. Sexton. This rebuts any presumption which might be drawn from the simple fact, that there was an increase of the vote of the county, if it had all been on one side. If every man whose name has been connected by rumor, conjecture, belief, hearsay, or inuendo, with these arrangements, had gone to Rush county and voted for Mr. Sexton, and if every one of these votes were fraudulent and void, it would still leave Mr. Sexton with a handsome majority. But we have no right to presume, in the absence of proof, in favor of fraud, of illegal voting, or if there was, that it was all on one side; but we are bound to presume in favor of the regularity of the election, the legality of the votes cast, and of the correctness of the returns, as already stated.

We must adhere, then, to the propositions stated in the commencement of our report; and the contestor having failed to show any irregularity or misconduct of the board of judges or canvassers, or illegal votes cast for the contestee, to an extent to impair his majority materially, we have but a single duty to discharge under the constitution and law, and that is, to declare that Leonidas Sexton is the legally elected representative from the county of Rush, in the General Assembly, and entitled to be admitted, and to hold his seat as such until the expiration of the term for which he was elected. The house can only enquire into the election, qualifications and returns of its members under the constitution; and, under the law, it has no power to set aside an election without the proof required by the 15th section of the act in regard to contested elections. The House has already decided that it has not the power to refer contested elections back to the people, and that it is bound to decide, from the evidence adduced, who received a majority of the legal votes given at the election. Proof that men of the same names as those voting in one county, reside in another county, is no evidence whatever that their votes were illegal, unless it is proven that they are the same persons. It raises no presumption of their illegality, or that they were cast for the successful candidate.

All the minority of the committee had not seen the report of the majority, nor had they ascertained what it would contain, until it was read to the House. The minority are compelled to dis-

sent almost in *toto* from the conclusions of the majority. In order to reach the conclusions to which they have arrived, they have been compelled to count the same persons over. The arrangement at Hagerstown eventuated in the payment of money to not more than six persons, directly or indirectly, and they are the same who went to Rush in the wagon, testified to by Kinsey. There is no conflict between the testimony of Wat. Williams and P. W. Kinsey, as to the payment of money to the latter. Wat. Williams says he paid Kinsey ten dollars on another arrangement. As to the money which was received by Sprigg and Williams, there is no evidence that more than one hundred and twenty dollars were used; no evidence that more than eight or ten of those to whom it was paid, went to Rush county, and no satisfactory evidence that more than four of them voted. The balance of the money was returned to J. C. Hudelson by Sprigg and Williams after the election. There is no evidence whatever that there were any arrangements in any other township of Wayne county, to induce young men to go to Rush and settle, or acquire a residence there prior to the election. As to the meetings at Richmond, there is no evidence that any arrangements were consummated there for sending persons to Rush county.

It is shown by the testimony of John S. Lyle, that the subject was never mentioned in any meeting held there, at which he was present, except the one in the parlor of the Meredith house, and that no arrangements were made for the purpose at that meeting. D. T. Smith is contradicted by every witness who testified as to the meeting in No. 7, not only as to what was said there, but his statements as to the condition of the room, which he insists was such as to give him an opportunity to gratify his eaves-dropping propensities. Mr. Yaryan contradicted a material part of Smith's testimony, and shows that Smith testifies with a recklessness highly censurable.

Smith swears that he heard John S. Lyle say, that he had fifty dollars in his hands for the purpose of importing voters into Rush county. Mr. Lyle contradicts this, and says that he never heard anything about money for that purpose. Considering that Smith is contradicted in several material points, about which it is difficult to determine how he could have been mistaken, if he had desired to testify impartially, the minority of the committee are disposed to attach very little importance to his statements. Besides, his character for truth and veracity has been impeached by the testimony of Judge Benton of Richmond. Taking all the circumstances connected with his testimony—his confession of having eaves-dropped and prowled around, the contradiction of his statements by Yaryan, Lyle and Benton—the minority cannot join in the regret expressed by the majority, that his character as a witness had been assailed. As to the absence of John C. Hudelson from the State, it is in evidence before the committee, that he received an injury to one of his legs last fall, which required ampu-

tation, and that he has been absent for some months in Philadelphia for the purpose of procuring a cork leg to supply the loss, as far as practicable. There is no evidence that he left the State on account of this investigation. Had the contestor desired to prosecute his contest in a legal manner, he ought to have furnished the committee with certified copies of the poll books for the October election, 1856, and confined his investigations to the actual giving of illegal votes at that election, and if any were cast, for whom they were given for Representative. The hearsay evidence which has been admitted legally proves nothing. No application was made to the committee for witnesses, and the minority have not seen the list, or heard what the contestor expects to be able to prove by them in any legal form. The minority understood Mr. Hackleman to testify that he had, in one or two instances, given it as his legal opinion, that the committee had no power to attach witnesses, not that the House had not the power, on a proper showing and order made.

As to the increase of the vote in Spiceland township, Henry co., it proves nothing pertinent to the issue. It is not a circumstance from which an inference can be drawn against the legality of the votes cast in Rush county at the October election of 1856, or against the regularity or fairness of Mr. Sexton's election. There is evidence before the committee to show that the increase in part at least, in Spiceland township at the presidential election, over the vote in October, was owing to persons voting who remained at home at the State election, and refrained from voting. There is no evidence to induce the belief that there was any arrangement in that township to send voters to Rush county; nor is there any to show that there was such an arrangement at Knightstown. On the contrary, the evidence is to the reverse of this. The minority of the committee must be permitted to enter their protest against the conclusions of the majority, that the declarations of persons not under oath, and not one of the parties to the contest, are admissible to prove that they voted in a particular county, or for a particular party or candidate. If such testimony is admissible, and is to be received as evidence, a combination among a given number of residents of one county, could be carried out so as to defeat the legally elected candidates of another county, without a single one of the persons engaged in the combination, having been, or voted in such last named county. The doctrine is as monstrous as it is dangerous. The contestee has had but little opportunity for the introduction of testimony before the committee, but so far as his right to a seat in the House is concerned, the minority are of the opinion that none was necessary, in addition to the facts contained in the certified copies of the tables and certificates of the board of canvassers.

The minority have had but a few brief moments to review the report of the majority. They dissent from its reasoning as well as

its conclusions. The House must decide who is elected, and under the law and the evidence. it seems to the undersigned, that there can be but one conclusion in the premises. They therefore recommend the adoption of the following resolution:

*Resolved*, That Leonidas Sexton is the duly elected Representative from the county of Rush; that he is entitled to be admitted to his seat as such, and to hold the same until the expiration of the term for which he was elected.

JOHN W. WRIGHT,  
GEO. MOON,  
GEO. CRAWFORD.

On motion by Mr. Blake,

The report and accompanying resolution was laid on the table and five thousand copies ordered to be printed, in conjunction with the majority report.

By unanimous consent,

Mr. Larue offered the following resolution :

*Resolved*, That Leonidas Sexton is entitled to his seat as a member of this General Assembly, and that he be admitted to his seat for the remainder of this session.

Mr. Claypool moved to lay the resolution on the table.

The ayes and noes were demanded by Messrs. Larue and Grose.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Blake, Bowman, Branson, Brown, Bryan, Claypool, Conduitt, Crowe, Cullen, Dobbins, Douglass, Duncan, Early, Edson, Harrison, Herod, Hoagland, Humphreys, Kerr, Lane, Lewis, Massey, Marvin, Modesitt, Moon, McGinnis, McKinney, Reese, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Stillwell, Studabaker, Taggart, Trippet, Wallace, Wiley, Williams of Knox, Williamson, and Mr. Speaker—15.

*Those who voted in the negative were,*

Messrs. Batterton, Boyd, Colgrove, Conner of Hamilton, Conner of Wabash, Crawford, Davis of Hendricks, Evans, Grose, Hawkins, Hayden, Jefferis, Larue, Mercer, Merrifield, Moon, McDonald of Fountain, McDonald of Lake, Neal, Price, Sloss, Smith of Delaware, Steele, Stone, Todd, Vawter, Wagner, Ward, Whitcomb, and Williams of Lagrange—30.

So the resolution was laid on the table.

A message from the Senate, by Mr. Harvey, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed, without amendment, the following engrossed bill of the House, viz :

No. 118. An act to enable the common councils of the several incorporated cities of this State, to prescribe by ordinance, the time within which the annual assessments for city purposes shall be made, and the rolls thereof returned, and the time within which the city tax rolls or duplicates shall be made and delivered to the collecting officers, and also the time within which such collecting officers shall make their returns.

Mr. Schermerhorn, from the committee on free conference, made the following report :

MR. SPEAKER :

The committee of conference, to whom was referred House bill No. 21, together with the engrossed amendments thereto of the Senate, also the engrossed amendment of the House to the said engrossed amendment of the Senate, have had the same under consideration, and have instructed me to report the same back to the House, recommending the passage of engrossed bill of the House No. 21, with the engrossed amendment of the House to the engrossed amendment of the Senate thereto.

Which report was concurred in.

Mr. Edson, from a select committee made the following report :

MR. SPEAKER :

The select committee, to whom was referred House bill No. 37, a bill creating the sixteenth judicial circuit, and providing for the election of judge and prosecutor thereof, have had the same under consideration, and have directed me to report the same back to the House, and recommend its indefinite postponement.

Which report was concurred in, and the bill indefinitely postponed.

On motion by Mr. Carnahan,

No. 39. A bill for the better protection of landlords, and to facilitate the renting of lands to tenants.

Was taken up.

Mr. Stone moved to re-commit the bill with the following instructions :

So that the tenant shall have a lien on enough of the crops to pay him for his labor.

Which was not agreed to.

The question being, shall the bill pass?

*Those who voted in the affirmative were.*

Messrs. Adams, Allen, Boyd, Branson, Bryan, Carnahan, Clark, Conner of Hamilton, Conner of Wabash, Cullen, Duncan, Early, Edson, Evans, Harrison, Hawkins, Hayden, Hoagland, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Modesitt, Moore, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neal, Price, Sherrod, Shoulders, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stone, Studabaker, Taggart, Todd, Trippet, Vawter, Wagner, Wallace, Ward, Whitcomb, Wiley, and Williamson—51.

*Those who voted in the negative were,*

Messrs. Austin, Batterton, Bowman, Blake, Colgrove, Crawford, Crowe, Davis of Hendricks, Dobbins, Douglass, Grose, Herod, Humphreys, Jefferis, Kerr, Moon, Schermerhorn, Williams of Knox, Williams of Lagrange, and Mr. Speaker—22.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate by Mr. Harvey, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate have passed the following engrossed bills thereof, viz :

No. 166. An act to fix the time of holding court in the county of Delaware, and to repeal acts inconsistent therewith.



Senate bill No. 166, contained in the foregoing message, was read a first time.

Mr. Hoagland moved to suspend the rules and read the bill a second time by its title now.

The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Blake, Bowman, Boyd, Branson, Bryan, Carnahan, Clark, Claypool, Colgrove, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Hendricks, Dobbins, Duncan, Douglass, Early, Edson, Evans, Gordon, Grose, Hawkins, Hayden, Herod, Hoagland, Jefferis, Kerr, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Moon, Moore, McDonald of Lake, McGinnis, McKinney, Price, Neal, Reese, Schermerhorn, Sherrod, Shoulders, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stone, Studabaker, Taggart, Todd, Trippet, Vawter, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, and Mr. Speaker—68.

No member voted in the negative.

So the rules were suspended and the bill read a second time by its title, and

Mr. Claypool moved to suspend the rules and read the bill a third time now.

The ayes and noes were taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Blake, Bowman, Boyd, Branson, Brown, Bryan, Carnahan, Clapp, Claypool, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Hendricks, Dobbins, Douglass, Duncan, Early, Edson, Evans, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Jefferis, Kerr, Lane, Larue, Lewis, Massey, Mercer, Merrifield, Moon, Moore, McDonald of Fountain, McDonald of Lake, McGinnis, McKinney, Neal, Price, Reese, Schermerhorn, Sherrod, Shoulders, Slicer, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Studabaker, Taggart, Todd, Trippet, Vawter, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, Williamson and Mr. Speaker—67.

No member voting in the negative.

So the rules were suspended and the bill read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Adams, Allen, Blake, Bowman, Boyd, Branson, Brown, Bryan, Carnahan, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Cullen, Davis of Hendricks, Dobbins, Douglass, Duncan, Early, Edson, Evans, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Hutchings, Jefferis, Kerr, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Moon, Moore, McDonald of Fountain, McDonald of Lake, McKinney, Neal, Reese, Schermerhorn, Shoulders, Slicer, Sloss, Smith of Bartholomew, Smith of Delaware, Steele, Stillwell, Studabaker, Taggart, Todd, Trippet, Vawter, Ward, Whitcomb, Wiley, Williams of Knox, Williams of Lagrange, Williamson, and Mr. Speaker—67.

No member voting in the negative.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Crowe, chairman of the committee on enrolled bills, made the following report :

MR. SPEAKER :

The committee on enrolled bills have compared enrolled bills of the House No. 267 with the engrossed copy thereof, and find the same correctly enrolled.

On motion by Mr. Claypool,

Senate bill No. 68. A bill to amend the 14th section of an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof.

Was taken up and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Batterton, Blake, Bowman, Boyd, Branson, Brown, Bryan, Carnahan, Clark, Claypool, Colgrove, Conner of Hamilton, Conduitt, Crowe, Cullen, Davis of Hendricks, Dobbins, Douglass, Duncan, Early, Edson, Evans, Gordon, Hoagland, Jefferis, Kerr, Lane, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Mode-

sitt, Moon, McDonald of Fountain, McDonald of Lake, Price, Schermerhorn, Shuman, Slicer, Steele, Stone, Taggart, Todd, Vawter, Wallace, Ward, Wiley, Williams of Lagrange, and Mr. Speaker—51.

*Those who voted in the negative were,*

Messrs. Adams, Allen, Conner of Wabash, Crawford, Harrison, Hayden, Humphreys, Moore, Neal, Reese, Sloss, Smith of Bartholomew, Smith of Delaware, Stillwell, Studabaker, Trippett, Wagner, Whitcomb, and Williams of Knox—19.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

On motion by Mr. Davis of Hendricks,

House bill No. 355. A bill to prevent the spread of hog cholera by contagion, and prescribing certain penalties in relation thereto. Was taken up, and read a third time.

Mr. Claypool moved to lay the bill on the table.

Which was not agreed to.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Blake, Bowman, Boyd, Branson, Brown, Bryan, Clapp, Claypool, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crawford, Crowe, Culen, Davis of Hendricks, Early, Evans, Gordon, Grose, Harrison, Hayden, Hoagland, Humphreys, Jefferis, Kerr, Larue, Lewis, Massey, Marvin, Mercer, Merrifield, Moon, Moore, McDonald of Lake, Neal, Price, Reese, Schermerhorn, Sherrod, Shuman, Slicer, Smith of Bartholomew, Stillwell, Stone, Taggart, Todd, Trippett, Vawter, Wagner, Wallace, Ward, Whitcomb, and Wiley—55.

*Those who voted in the negative were,*

Messrs. Abel, Batterton, Carnahan, Dobbins, Douglass, Duncan, Edson, Lane, Modesitt, McKinney, Williams of Knox, and Williams of Lagrange—12.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

On motion by Mr. Schermerhorn,

No. 334. A bill to prescribe the duties of county assessors in this State, so as to provide for making their lists of farm products and domestic animals, and other property every four years, and in regard to the duties of county auditors and Auditor of State in connection therewith, and to repeal all laws conflicting therewith.

Was taken up and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Batterton, Blake, Bowman, Boyd, Branson, Brown, Bryan, Carnahan, Clapp, Colgrove, Conner of Wabash, Crawford, Crowe, Cullen, Davis of Hendricks, Dobbins, Douglass, Duncan, Early, Evans, Gordon, Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Jefferis, Kerr, Lane, Larue, Lewis, Massey, Merrifield, Modesitt, Moon, Moore, McDonald of Lake, McGinnis, McKinney, Price, Reese, Schermerhorn, Sherrod, Shuman, Slicer, Sloss, Smith of Bartholomew, Steele, Stillwell, Stone, Studabaker, Taggart, Todd, Vawter, Wagner, Ward, Walpole, Whitcomb, Wiley, Williams of Lagrange, and Mr. Speaker.—64.

*Those who voted in the negative were,*

Messrs. Conduitt, Marvin, Mercer, and Van Sandt—4.

So the bill passed.

*Ordered,* That the Clerk inform the Senate thereof.

On motion by Mr. Larue,

No. 196. A bill to amend sections 12 and 13 of an act to organize the militia, providing for the appointment, and prescribing the duties of certain officers thereof, and for the more efficient organization of the militia.

Was laid on the table.

On motion by Mr. Stillwell,

House bill No. 161. A bill to regulate the stockholders of moneyed corporations.

Was laid on the table.

On motion by Mr. Douglass,

House bill No. 268. A bill to amend the second section of an act entitled an act to provide for compensation to the owners of animals killed or injured by the cars, locomotives or other carriages of any railroad company in this State, approved March 1, 1853,

Was laid on the table.

On motion by Mr. Blake,

House bill No. 356. A bill to authorize a supply of the revised statutes to the several counties of this State.

Was laid on the table.

On motion by Mr. Humphreys,

House bill No. 74. A bill to amend sections 15 and 18 of an act entitled an act to provide for the opening, vacating and change of highways, approved June 17, 1852, and to repeal so much of said act as gives jurisdiction over highways to township trustees.

Was laid on the table.

On motion by Mr. Steele,

House bill No. 198. A bill authorizing the Treasurer and Auditor of State to change the denomination of the bonds issued under the law of 1855.

Was laid on the table.

On motion by Mr. Kerr,

House bill No. 293. A bill to prevent obstructions to railroads by hitching, driving, leading or feeding horses, cattle, or other stock thereon, except as therein provided.

Was laid on the table.

On motion by Mr. Cullen,

House bill No. 345. A bill to compel railroad companies to report their acts and doings to the Secretary of State, and providing penalties for neglect.

Was laid on the table.

On motion by Mr. Conduitt,

House joint resolution No. 17. A joint resolution to authorize and direct the superintendent of public instruction to furnish books to the Indiana hospital for the insane.

Was laid on the table.

On motion by Mr. Conduitt,

House joint resolution No. 14. A joint resolution authorizing and directing the superintendent of public instruction to furnish books to the institution for the education of the deaf and dumb.

Was laid on the table.

On motion by Mr. Conduitt,

House bill No. 249. A bill to amend the first and third sections of an act entitled an act to provide a site, system of government and plans for the erection of a State house of refuge for the correction and reformation of juvenile offenders, approved March 3, 1855.

Was laid on the table.

On motion by Mr. Conduitt,

House bill No. 329. A bill to amend section 14 of an act entitled an act for the government of the Indiana hospital for the insane, and the care of the insane of Indiana.

Was taken up and read a third time, and

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Abel, Allen, Batterton, Blake, Bowman, Boyd, Branson, Brown, Bryan, Carnahan, Clapp, Clark, Colgrove, Conner of Hamilton, Conner of Wabash, Conduitt, Crowe, Cullen, Davis of Hendricks, Dobbins, Douglass, Duncan, Early, Edson, Evans, Gordon, Grose, Harrison, Hawkins, Hayden, Herod, Hoagland, Humphreys, Jefferis, Kerr, Lane, Larue, Lewis, Mercer, Merrifield, Moon, Moore, McDonald of Lake, McGinnis, McKinney, Price, Reese, Schermerhorn, Slicer, Smith of Bartholomew, Steele, Stillwell, Studabaker, Taggart, Todd, Trippet, Vawter, Wagner, Wallace, Ward, Whitcomb, Wiley, Williams of Knox, and Williams of Lagrange—66.

Mr. Sloss voted in the negative.

So the bill passed.

*Ordered*, That the Clerk inform the Senate thereof.

On motion by Mr. Carnahan,

House bill No. 339. A bill to amend the first section of an act entitled an act providing for the election or appointment of super-



visors of highways and prescribing certain of their duties, and those of county and township officers in relation thereto, approved June 18, 1852.

Was laid on the table.

On motion by Mr. Todd,

House bill No. 331. A bill for the protection of the people against incompetency and recklessness on the part of practitioners of medicine and surgery, and of the apothecary.

Was read a third time, and

On motion by Mr. Carnahan,  
Laid on the table.

On motion by Mr. Douglass,

House bill No. 248. A bill to amend the 7th section of an act entitled an act for the relief of the poor, approved June 9, 1852, so as to authorize boards of county commissioners to provide in certain counties for keeping the poor.

Was laid on the table.

On motion by Mr. Early,

House bill No. 265. A bill to amend an act entitled an act to authorize railroad companies to consolidate their stock with the railroad companies in this and adjoining States, and to connect their roads with the roads of said companies, and to authorize railroad companies to construct their roads on the routes which they may have heretofore surveyed, and to locate and to use and occupy the same when completed.

Was laid on the table.

On motion by Mr. Williams of Lagrange,

House bill No. 164. A bill to exempt from taxation property and buildings used exclusively for educational purposes.

Was laid on the table.

On motion by Mr. Gordon,

House bill No. 76. A bill to establish true meridians, and to regulate land surveys thereby.

Was laid on the table.

On motion by Mr. Carnahan,

House bill No. 231. A bill to amend the first section of an act entitled an act declaratory of the law regulating marriages, and

enforcing the provisions thereof by proper penalties, approved March 5, 1852, and to define the degrees of consanguinity and affinity prohibited in marriage.

Was taken up, and read a third time.

On motion by Mr. Larue,

The bill was laid on the table.

Mr. Dobbins, from the committee on county and township business, made the following report :

**MR. SPEAKER :**

The committee on county and township business, to whom was referred House bill No. 341, being an act to provide for polling the votes of a county upon a petition for a relocation of the county seat, have had the same under consideration, and directed me to report the same back and recommend that legislation at this time is inexpedient, and that the bill be laid on the table.

Which report was concurred in.

Mr. Larue, from a select committee, made the following report :

**MR. SPEAKER :**

The committee, to whom was referred House bill No. 311, being a bill explanatory of the fifteenth section of an act to establish a bank with branches, and amendatory thereto, return the same to the House, and as it is too late in the session to pass the bill of such importance and the opposition known to exist in the House, with the recommendation that the same be laid on the table.

Which report was concurred in and the bill indefinitely postponed.

Mr. Sherrod, chairman of the committee on ways and means, made the following report :

**MR. SPEAKER :**

The committee on ways and means, in discharge of their duty, have examined the Auditor and Treasurer's office, their books, papers and vouchers, and find them all regular and correct.

They have also made a thorough investigation and comparison of the journals and ledgers, and find them to correspond in every material particular.

The warrants issued by the Auditor and redeemed at the treasury, correspond in every material particular, and the examinations have extended through the last two fiscal years.

Owing to the limited time in which the examination has to be

made, and the press of other business before the committee, the examination of all minor details has not been so accurate as your committee would have desired, and as it otherwise would have been had time permitted, but in our opinion the accounts are substantially correct.

There are several warrants yet outstanding, which have not been presented at the treasury for redemption.

The following is a general statement of the receipts and expenditures during the fiscal year, commencing November 1, 1855, and ending October 31, 1856:

### RECEIPTS.

There was remaining in the treasury at the close of the last fiscal year, the sum of.....	\$468,224 15
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During the year ending October 31,  
1856, the following accounts were  
received, viz:

### REVENUE.

On account of revenue of 1855,.....	\$544,673 29	
On account of delinquent revenue of 1855.....	24,856 75	
On account of delinquent revenue of 1854,.....	41,588 70	
On account of delinquent revenue of 1853,.....	273 50	
On account of delinquent revenue of 1852,.....	34 27	
	611,426 51	

### SWAMP LANDS.

On account of sales of swamp lands...	74,860 89
---------------------------------------	-----------

### BENEVOLENT INSTITUTIONS.

On account of asylum for the blind, ..	\$2,132 08	
On account of hospital for the insane,	1,686 98	
On account of deaf and dumb asylum,	5,022 01	
		8,841 07

### BANK TAX FUND.

On account of principal.....	\$3,562 52	
On account of interest on loans,.....	167 08	
		3,729 59

## UNIVERSITY FUND.

On account of loans refunded.....	\$5,519 02	
On account of interest on loans.....	5,053 45	
	<hr/>	\$10,572 47

## SALINE FUND.

On account of principal,....	\$3,475 40	
On account of interest,.....	867 92	
	<hr/>	4,343 32

## SURPLUS REVENUE FUND.

On account of principal,.....	\$300 00	
On account of interest,....	165 94	
On account of excess on sales of lands,	79 00	
	<hr/>	544 94

## CONGRESSIONAL TOWNSHIP FUND.

On account of interest on loans,.....	45 73
---------------------------------------	-------

## TREASURY FUND.

On account of loans refunded,.....	\$384 50	
On account of interest on loans,.....	78 17	
	<hr/>	462 67

## TOWNSHIP LIBRARY FUND.

On account of delinquent tax of 1853,	\$1,006 54	
On account of taxes of 1855,.....	84,485 35	
On account of delinquent taxes of 1855,.....	4,771 01	
	<hr/>	90,262 90

## STATE DEBT SINKING FUND.

On account of taxes of 1855,.....	\$46,434 85	
On account of taxes of 1853,.....	945 19	
On account of delinquent taxes of 1855,....	2,144 72	
On account of delinquent taxes of 1854,.....	4,008 86	
On account of delinquent taxes of 1853,.....	27 35	
	<hr/>	53,560 97

## COMMON SCHOOL FUND.

On account of delinquent tax of 1854,	\$20,453 24	
On account of tax of 1854,.....	11,806 87	
On account of delinquent tax of 1853,	280 88	
On account of delinquent tax of 1852,	148 08	
On account of tax of 1855,.....	286,337 43	
On account of delinquent tax of 1855,	14,898 31	
On account of interest collected by treasurers.....	53,446 33	
	<hr/>	\$387,371 14

## MISCELLANEOUS.

On account of sales of Revised Stat- utes, ... ..	\$28 70	
On account of estates without heirs,	313 45	
On account of interest on State bonds,	4,760 13	
On account of sales of lots in Indian- apolis, .....	444 15	
	<hr/>	5,546 43

## WABASH AND ERIE CANAL.

On account of tolls and water rents,	\$128,486 50	
On account of lands east and west Tippecanoe, ... ..	19,408 50	
On account of lands in Vincennes dis- trict,.....	87,760 07	
Miscellaneous, .....	150 00	
Interest on deposits,.....	3,087 18	
	<hr/>	238,892 25

## STATE PRISON.

On account of State prison, .....	<hr/> 5,026 11
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Total receipts from November 1, 1855, to October 31, 1856, including balance on hand November 1, 1855.....	<hr/> <hr/> \$1,963,711 14
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## EXPENDITURES.

The amounts audited during the fiscal year ending October 31st, 1856, were as follows, viz :

## ORDINARY EXPENDITURES.

On account of supreme and circuit judges,.....	\$18,983 87
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On account of executive officers, including attorney general.....	5,150 75	
On account of public printing, paper and binding, .....	12,729 91	
On account of fuel and stationery,...	4,772 54	
On account of State house.....	1,418 66	
On account of Governor's house,....	784 42	
On account of State library,.....	947 94	
On account of militia,.....	317 06	
On account of Governor's circle.....	63 00	
On account of State prison.....	6,512 84	
On account of distribution of laws, &c., .....	186 25	
On account of contingent fund.....	2,807 61	
On account of specific appropriations,	1,070 15	
On account of prosecuting attorneys,	3,777 68	
	<hr/>	\$59,522 68

## REVENUE.

On account of revenue of 1853, refunded, .....	\$17 58	
On account of revenue of 1854, refunded, .....	365 00	
On account of delinquent revenue of 1854, refunded, .....	190 94	
On account of revenue of 1855, refunded, .....	6,598 80	
On account of delinquent revenue of 1855, refunded, .....	5,742 70	
	<hr/>	12,915 02

## SWAMP LANDS.

On account of payments for drainage, &c., .....	117,318 62
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## BENEVOLENT INSTITUTIONS.

On account of blind asylum.....	\$25,463 59	
On account of Hospital for Insane....	\$42,240 04	
On account of Deaf and Dumb Asylum.....	31,345 28	
	<hr/>	\$82,048 91

## UNIVERSITY FUND.

On account of Professors' salaries....	\$4,700 83
On account of loans to borrowers ....	4,250 00



On account of expenses of Fund.....	266 83	
	<hr/>	9,217 66

## BANK TAX FUND.

On account of expenses of Fund .....		72 71
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## SALINE FUND.

On account of expenses of Fund .....	\$137 14	
On account of interest refunded.....	80 50	
	<hr/>	217 64

## TREASURY FUND.

On account of expenses of Fund.....		11 50
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## SURPLUS REVENUE FUND.

On account of expenses of Fund,.....		32 26
--------------------------------------	--	-------

## CONGRESSIONAL TOWNSHIP FUND.

On account of expenses of Fund .....	\$10 03	
On account of Fund distributed.....	17 50	
	<hr/>	27 53

## TOWNSHIP LIBRARY FUND.

On account of expenses of Libraries..	\$91,460 95	
On account of taxes refunded .....	33 96	
	<hr/>	91,494 91

## STATE DEBT SINKING FUND.

On account of purchase of stock and exchange.....	\$30,476 32	
On account of taxes refunded.....	45 94	
	<hr/>	30,522 26

## PUBLIC DEBT.

On account of interest and exchange..	\$3,260 00	
On account of interest on State debt..	316,674 34	
On account of expenses of Agency...	3,980 93	
	<hr/>	323,915 27

## COMMON SCHOOL FUND.

On account of distribution of Fund..	\$331,942 18	
On account of expenses of Fund ....	1,485 15	
On account of taxes of 1854 and 1855 refunded.....	350 01	
	<hr/>	\$333,777 34

## MISCELLANEOUS.

On account of Porter's Indiana Re- ports.....	\$3,773 84	
On account of interest on University Bonds.....	3,935 10	
On account of Colonization of Free Blacks.....	238 00	
On account of miscellaneous items...	1,044 80	
On account of expenses of Supreme Court.....	1,772 00	
On account of Free Banking.....	2,250 00	
On account of new State Prison.....	47,343 19	
	<hr/>	\$60,356 93

## WABASH AND ERIE CANAL.

General expenses of Canal.....	\$15 333 61	
Ordinary repairs of Canal .....	71,551 43	
Extraordinary repairs of Canal.....	25,183 91	
Rebuilding Bridges.....	2,890 58	
Cost of Superintendence.....	8,765 72	
Cost of collection .....	8,521 56	
Construction, Terre Haute to Point Commerce.....	13,493 43	
Construction, Petersburg to Evans- ville.....	1,325 00	
Expense of engineering.....	3,505 21	
Damages and water power.....	3,896 48	
Expense of Land Office, east and west Tippecanoe .....	277 87	
Expense of Land Office, Vincennes District.....	1,313 74	
Interest on W. & E. Canal Bonds ...	5,240 00	
Interest on advance of \$800,000 and exchange .....	\$38,826 33	
Bondholders' subscription, first instal- ment.....	400 00	
	<hr/>	200,524 87
Whole amount audited, from Nov. 1, 1855, to Oct. 31, 1856.....		<u>\$1,338,976 11</u>

## STATE OF THE TREASURY.

Balance in the Treasury on the 31st of Oct, 1855..	\$468,224	15
Receipts into the Treasury on account of all Funds during the year ending October 31, 1856.....	1,495,486	99
Total.....	1,963,711	14
Amount of warrants drawn on the Treasury on all accounts during the year ending Oct. 31, 1856..	1,338,976	11
Balance in the Treasury on the 31st of October, 1856	<u>\$624,735</u>	<u>03</u>

*STATEMENT of the several appropriations, the amounts expended, balances unexpended, and appropriations overdrawn, on the 31st of October, 1856.*

## EXECUTIVE OFFICERS.

Balance of former appropriation un- expended .. .. .	\$11152	81
Appropriation for 1856.....	<u>\$8,000</u>	<u>00</u>
Expended during the year .. .. .		\$19,152 81
		<u>4,150 75</u>
Balance unexpended .. .. .		<u>\$15,002 06</u>

## JUDICIARY.

Balance of appropriation unexpended	\$7,562	82
Appropriation for 1856.....	<u>20,000</u>	<u>00</u>
Expended during the year .. .. .		27,562 82
		<u>18,988 87</u>
Balance unexpended.....		<u>\$8,578 95</u>
Appropriation for 1856.....		\$5,000 00
Expended during the year .. .. .	12,729	91
Former appropriations overdrawn.....	<u>46</u>	<u>87</u>
		12,776 78
Appropriation overdrawn.....		<u>7,776 78</u>

## STATE HOUSE.

Appropriation for 1856.....		\$500 00
Expended during the year.....	\$1,418 66	
Former appropriation overdrawn....	1,392 45	
	<hr/>	2,811 11
Appropriation overdrawn.....		<u>\$2,311 11</u>

## STATE LIBRARY.

Appropriation for 1856.....		1,000 00
Expended during the year.....	\$947 94	
Former appropriation overdrawn....	501 42	
	<hr/>	1,449 36
Appropriation overdrawn.....		<u>\$419 36</u>

## PROSECUTING ATTORNEYS.

Appropriation for 1856.....		\$3,600 00
Expended during the year.....	3,777 68	
Former appropriations overdrawn....	1,390 14	
	<hr/>	5,167 82
Appropriations overdrawn.....	\$	<u>1,567 82</u>

## MILITIA.

Former appropriation overdrawn....		\$117 67
Expended during the year.....		317 06
		<hr/>
Appropriation overdrawn.....		<u>\$434 73</u>

## GOVERNOR'S HOUSE.

Appropriation for 1856.....		\$6,000 00
Expended during the year.....	\$784 42	
Former appropriation overdrawn....	371 00	
	<hr/>	1,155 42
Appropriation overdrawn.....		<u>\$555 42</u>

## FUEL AND STATIONERY.

Balance of former appropriation unexpended.....	\$2,173 33	
Appropriation for 1856 .....	4,000 00	
	<hr/>	\$6,173 33
Expended during the year.....		4,772 54
		<hr/>
Balance unexpended.....		1,400 79
		<hr/>

## STATE PRISON.

Appropriation for 1856.....	5,000 00	
Receipts during the year.....	5,026 11	
	<hr/>	11,026 11
Expended during the year.....	53,856 03	
Former appropriation overdrawn ...	2,268 94	
	<hr/>	53,124 97
		<hr/>
Appropriation overdrawn.....		42,098 86
		<hr/>

## DISTRIBUTION OF LAWS AND JOURNALS.

Balance of former appropriation unexpended .....	666 14
Expended during the year .....	186 25
	<hr/>
Balance unexpended.....	479 89
	<hr/>

## GOVERNOR'S CONTINGENT FUND.

Appropriation for 1856.....	\$3,000 00
Expended during the year.....	\$2,807 61
Former appropriation overdrawn....	1,567 32
	<hr/>
	4,374 93
	<hr/>
Appropriation overdrawn.....	1,374 93
	<hr/>

## EXPENSES SUPREME COURT.

Appropriation for 1856,.....	\$1,000 00
Expended during the year.....	1,772 00
	<hr/>
Appropriation overdrawn,.....	\$772 00

## SUPREME COURT REPORTS.

Appropriation for 1856,.....	\$2,000 00
Expended during the year,.....	3,773 84
	<hr/>
Appropriation overdrawn,.....	\$1,773 84
	<hr/>

## GOVERNOR'S CIRCLE.

Balance of former appropriation unexpended, .....	\$92 06	
Appropriation for 1856,....	100 00	
	<hr/>	\$192 06
Expended during the year,.....		63 00
		<hr/>
Balance unexpended,.....		\$129 06
		<hr/>

## MISCELLANEOUS.

Appropriation for 1856,.....		\$1,500 00
Expended during the year,.....	\$1,044 80	
Former appropriation overdrawn,....	1,157 41	
	<hr/>	2,202 21
		<hr/>
Appropriation overdrawn,.....		\$702 21
		<hr/>

## HOSPITAL FOR THE INSANE.

Appropriation for 1856,.....	\$53,000 00	
Former appropriation unexpended, ..	5,248 03	
Receipts of the institution,.....	1,686 98	
	<hr/>	\$59,935 01
Expended during the year,.....		42,240 04
		<hr/>
Balance unexpended,.....		\$17,694 97
		<hr/>

## INSTITUTION FOR THE EDUCATION OF THE BLIND.

Former appropriation unexpended, . .	\$11,221 65	
Appropriation for 1856,.....	15,450 00	
Receipts of the institution,.....	2,132 08	
	<hr/>	\$28,803 73
Expended during the year, . . . . .		25,463 59
		<hr/>
Balance unexpended, . . . . .		\$3,340 14
		<hr/>



## DEAF AND DUMB ASYLUM.

Former appropriation unexpended, ..	\$2,302 78	
Appropriation for 1856, .....	25,500 00	
Delinquent tax of 1851, .....	3,200 00	
Receipts of the institution, .....	5,022 01	
	<hr/>	\$36,024 79
Expended during the year, .....		31,345 28
		<hr/>
Balance unexpended, .....		\$4,679 51
		<hr/>

## UNIVERSITY FUND.

The receipts and disbursements on account of this fund during the fiscal year ending October 31, 1856, were as follows, viz :

## RECEIPTS.

Balance on hand November 1, 1855, ..	\$077 91
Loans refunded during the year, .....	5,519 02
Interest on loans, .....	5,053 45
	<hr/>
	\$11,550 38

## DISBURSEMENTS.

Loans made to borrowers of fund, ...	\$4,250 00
Professors' salaries, .....	4,700 83
Expense of fund, .....	266 83
	<hr/>
	\$9,227 66
	<hr/>
Balance on hand Nov. 1, 1856, ..	\$2,333 72
	<hr/>

## LOAN ACCOUNT.

Amount outstanding on loans November 1, 1855, .....	\$79,015 59
Loans refunded during the year 1856, .....	5,119 52
	<hr/>
	\$73,496 57
New loans made during the year, .....	4,250 00
	<hr/>
Making the outstanding loans, .....	\$77,746 57
	<hr/>

## SALINE FUND.

## RECEIPTS.

Amount on hand November 1, 1855, ..	\$6,206 20
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Principal received during the year,...	\$3,475 40
Interest on loans, &c.,....	867 92
	<hr/>
	\$10,749 52

## EXPENDITURES.

Interest refunded,.....	\$80 50
Expense of fund,.....	137 14
Balance on hand Nov. 1, 1856,.....	10,531 88
	<hr/>
	\$10,749 52

## LOAN ACCOUNT.

Outstanding on loans at close of year ending October 31, 1855,.....	\$12,451 72
Refunded during the year ending Oct. 31, 1856,....	2,762 50
	<hr/>
Total outstanding on loan Oct. 31, 1856,.....	\$9,689 22

By an act of the General Assembly, approved Jan. 13, 1845, it was provided that all the funds which had arisen, or which might thereafter arise from the sale of saline lands in this State, as well as all funds that had accrued or might accrue under the fifteenth section of the bank charter, should be distributed on the first of March of each year among the several counties of the State, according to the latest return of taxable polls. Under this act, the following distribution of the saline fund was made, viz :

Amount apportioned for 1845,.....	\$6,499 07
Amount apportioned for 1846,....	7,808 54
Amount apportioned for 1847,.....	4,421 71
Amount apportioned for 1848,.....	4,418 83
Amount apportioned for 1849,.....	4,905 14
Amount apportioned for 1850,.....	6,107 61
Amount apportioned for 1851,.....	3,001 36
Amount apportioned for 1852,.....	1,534 21
Amount apportioned for 1853,.....	6,301 00
	<hr/>
	\$44,997 46

## BANK TAX FUND.

*Receipts.*

Amount on hand November 1, 1856,.....	\$6,950 05
Amount from banks under 15th section of charter,.	3,362 52
Loans refunded,....	200 00

Interest on loans, .....	167 07	
		<u>\$10,680 54</u>
Expense of fund, .....	\$72 71	
Balance on hand Oct. 31, 1856, .....	10,607 83	
		<u>\$10,680 54</u>

By the 15th section of the charter of the State bank of Indiana, it is provided that a tax of twelve and a half cents should be levied on each share of stock, other than <sup>2</sup>/<sub>3</sub> that owned by the State, to constitute a part of a permanent fund to be devoted to purposes of common school education, under the direction of the General Assembly. The whole amount received from the banks under this provision of the charter, up to the 31st of October, 1855, was, ..... \$58,122 13

The amount received from the same source during the year ending October 31, 1856, was as follows, viz :

From Indianapolis branch bank, .....	\$584 23	
From Richmond branch bank, .....	271 88	
From New Albany branch bank, .....	217 75	
From Michigan City branch bank, ...	157 50	
From Lawrenceburgh branch bank, ..	246 87	
From Bedford branch bank, .....	129 41	
From Lafayette branch bank, .....	538 75	
From Terre Haute branch bank, .....	765 50	
From Evansville branch bank, .....	183 88	
From Vincennes branch bank, .....	147 12	
From Fort Wayne branch bank, .....	121 62	
Total receipts for last fiscal year, ...		<u>3,362 52</u>
		<u>\$61,484 65</u>

#### LOAN ACCOUNT.

The amount outstanding on loans at the close of the fiscal year ending October 31, 1855, was, .....	\$6,826 85
Amount refunded during the year 1856, .....	200 00
	<u>\$6,626 85</u>

Bank Tax Fund apportioned under the act of 1845.

Amount apportioned for 1845 .....	\$1,749 89
Amount apportioned for 1846 .....	22,344 43
Amount apportioned for 1847 .....	4,071 04
Amount apportioned for 1848 .....	5,818 58
Amount apportioned for 1849, .....	3,815 15

Amount apportioned for 1850 .....	2,876 06
Amount apportioned for 1851 .....	2,251 02
Amount apportioned for 1852 ... ..	4,602 63
Amount apportioned for 1853 .....	4,174 00

---

\$51,704 80

No general distribution according to the act of 1845 has been made, either of the Saline Fund or Bank Tax Fund, since 1853. In 1854 a distribution was made of the surplus then on hand of both funds to the counties of Benton, Howard, Jasper, Pulaski, Starke, Tipton and Whitley, those counties having received no part of the Surplus Revenue. There is now on hand for distribution, as will be seen by the foregoing statements, of the Saline Fund, \$10,531 88, and of the Bank Tax Fund, \$10,607 83.

#### COUNTY SEMINARY FUND DERIVED FROM MILITIA FINES.

Amount n hand October 31, 1856 .....	<u>\$445 00</u>
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#### SURPLUS REVENUE FUND.

##### *Receipts.*

Balance on hand October 31, 1855.....	\$1,087 15
Loans refunded during the year.....	300 00
Interest on loans .....	165 94
Excess of sales of lands.....	79 00
	<hr/>
	\$1,632 09

##### *Expenditures.*

Expense of fund.....	\$32 26
Balance on hand Oct. 31, 1856.....	1,599 83
	<hr/>
	\$1,632 09

#### LOAN ACCOUNT.

Amount of loans outstanding October 31, 1855...	\$2,574 65
Loans refunded during the year.....	300 00
	<hr/>
Balance outstanding.....	<u>\$2,274 65</u>

This fund belongs to the counties of Lake, DeKalb and Wells, in equal proportions. At the time of the distribution of the Surplus Revenue Fund, allotted to the State of Indiana under the act of Congress approved June 23, 1836, the counties above named did not draw the amounts to which they were entitled: and the fund thus left in the Treasury belonging to them was loaned out by the Treasurer of State, in conformity with the provisions of the 17th section of the act of February 6, 1837, providing for the distribution of the Surplus Revenue. The amount originally belonging to those counties was \$6,376 80, or \$2,125 60 each, which, as above stated, was loaned by the Treasurer and the interest paid over to the counties when called for. An act passed January 24, 1842, requiring the Treasurer of State to collect the fund and pay it over to the Surplus Revenue Agents of the counties to which it belonged, and since that time no loan has been made, but the principal and interest received have been annually distributed. On the 31st of October, 1855, there was due to each county the sum of \$362 38. The net receipts of this fund, during the last fiscal year were \$512 68, giving to each county the additional sum of \$170 89. There is therefore now due to each of the counties of Lake, Wells, and DeKalb, the sum of \$533 28.

### CONGRESSIONAL TOWNSHIP FUND.

#### *Receipts.*

Balance on hand October 31, 1855.....	\$176 65
Interest on loans .....	45 73
	<hr/>
	\$222 38

#### *Expenditures.*

Expense of fund .....	\$10 03
Distributed to Green county.....	17 50
Balance on hand .....	194 85
	<hr/>
	\$222 38

This fund belongs to two townships, one in Ripley and the other in Green county.

### THREE PER CENT. FUND.

Balance in the Treasury Oct 31, 1854.....	\$32 13
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The account with the General Government on account of this fund still remains unsettled.

## COMMON SCHOOL FUND DERIVED FROM SINKING FUND.

Amount received of this fund to Oct. 31, 1853 . . . . \$780,666 88

Since the above date nothing has been paid over from the Sinking Fund Commissioners to the State. The foregoing amount is due from the State to the Common School Fund. The sum stated was on account of profits of the Sinking Fund, which, by the charter, is set apart as a permanent fund for Common School education, under the direction of the General Assembly. The above amount reported to be in the Treasury, except the sum of \$27,061 51, was received in Bank Scrip, issued by the State under an act passed January 31, 1842, to pay the Bank for advances made to carry on the internal improvements at that time in progress in the State.

## INDIANAPOLIS FUND.

Amount outstanding on loan . . . . . \$483 30

## TREASURY FUND.

### *Receipts.*

Balance on hand Oct. 31, 1855 . . . . .	\$4,591 23
Loans refunded . . . . .	384 50
Interest on loans . . . . .	78 17
	\$5,053 90

### *Expenditures.*

Expense of fund . . . . .	\$11 50	
Balance on hand Oct. 31, 1856 . . . . .	5,042 40	
	5,053 90	\$5,053 90

## FUND FROM ESTATES WITHOUT KNOWN HEIRS.

Balance in the Treasury Oct. 31, 1855 . . . . .	\$3,859 10
Amount received during the year . . . . .	313 45
	\$4,172 55



## HOSPITAL FOR THE INSANE.

*Receipts.*

Balance on hand Oct. 31, 1855.....	\$5,248 03
Amount received during the year .....	1,686 98
Appropriation for 1856 .....	53,000 00
	<hr/>
	59,935 01

*Disbursements.*

Current expenses and Hospital build- ings .....	\$42,240 04
Balance due October 31, 1856 .....	17,694 97
	<hr/>
	\$59,935 01

## DEAF AND DUMB ASYLUM.

*Receipts.*

Balance due Oct. 31, 1855.....	\$2,302 78
Receipts during the year,.....	5,022 01
Appropriations for 1856,.....	29,700 00
	<hr/>
	\$37,024 79

*Disbursements.*

Expenses during the year,.....	\$31,345 28
Balance due Oct. 31, 1856,.....	5,679 51
	<hr/>
	\$37,024 79

In addition, the superintendent claims a balance of \$3,200, being on account of a specific tax some years ago, for which the institution has not been credited.

## BLIND ASYLUM.

*Receipts.*

Balance due Oct 31, 1855,.....	\$11,221 65
Receipts during the year,.....	2,132 08
Appropriation for 1856,.....	15,450 00
	<hr/>
	\$28,803 65

*Disbursements.*

Expenses during the year,.....	\$25,463 59	
Balance due Oct 31, 1856,.....	3,340 06	
	<hr/>	<u>\$28,803 65</u>

Respectfully submitted,  
W. F. SHERROD,  
*Chairman of Com. of Ways and Means.*

Which,  
On motion,  
Was laid on the table.

Mr. Whitcomb, from the committee on claims, made the following report :

MR. SPEAKER :

The committee on claims, to whom was referred the claim of Elias Abel, late treasurer of Monroe county, who represents that in the spring of 1855 he sustained a loss of two hundred and fifteen dollars by reason of the depreciation of funds in his hands, which, as treasurer of said county, he had collected on the State revenue of this State, and therefore prays that the General Assembly make good to him the said loss, have had the same under consideration, and directed me to report, that in the opinion the said claim should not be allowed, and ask to be discharged from the further consideration of the subject.

Which report was concurred in.

Mr. Wagner, from the committee on education, made the following report :

MR. SPEAKER :

The committee on education, to whom was referred House bill No. 202, an act to amend the first section of an act entitled an act to provide a general and uniform system of common schools, and school libraries, and matters connected therewith, approved June 14th, 1852, have had the same under consideration, and direct me to report the same back to the House, and recommend that it be indefinitely postponed.

Which report was concurred in, and the bill indefinitely postponed.

On motion by Mr. Dobbins,

House bill No. 259. A bill to reduce the number of township

trustees, to abolish the offices of township clerk and township treasurer, to transfer part of the duties of township trustees to the board doing county business, and otherwise change the manner of doing county business.

Was laid on the table.

On motion by Mr. Merrifield,

House bill No. 238. A bill to provide for the payment of costs and expenses in criminal and civil actions on change of venue.

Was laid on the table.

On motion by Mr. Schermerhorn,

House bill No. 327. A bill to amend sections 95, 97 and 101 of an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties and matters properly connected therewith, and to establish township libraries, and for the regulation thereof, approved March 5, 1855.

Was laid on the table.

On motion by Mr. Marvin,

House bill No. 324. A bill to supply the several counties in this State with twenty-five copies each of the acts of the General Assembly of 1855.

Was laid on the table.

On motion by Mr. Marvin,

House bill No. 361. A bill to repeal section one of an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries and for the regulation thereof, approved March 5, 1855.

Was laid on the table.

Mr. Crowe, chairman of the committee on enrolled bills, made the following report :

**MR. SPEAKER :**

The committee on enrolled bills have compared enrolled bills of the House Nos. 148 and 314 with the engrossed copies thereof, and find the same correctly enrolled.

A message from the Governor by Mr. Osborne, his Secretary.

MR. SPEAKER:

I am directed by his Excellency, the Governor, to inform the House, that he has approved and signed the following bills thereof.

No. 199. An act to authorize the State of Illinois to maintain the Calumet Feeder dam, and securing the use of the waters of the Calumet river, and providing the manner of assessing damages sustained by citizens of the State of Indiana, and regulating the draining of swamp lands adjacent to the Calumet river in the State of Indiana; with sundry amendments thereto: Also,

No. 224. An act for the relief of persons who have borrowed money from the sinking fund of this State.

By unanimous consent,

Mr. Harrison offered the following resolution:

*Resolved*, That this House adjourn to meet this evening at seven and a half o'clock.

Which was agreed to.

---

7½ O'CLOCK P. M.

The House met.

On motion by Mr. Grose,

House bill No. 297. A bill to amend section 138 of chapter ten of the revised statutes, approved June 17, 1852,  
Was laid on the table.

On motion by Mr. Wagner,

House bill No. 250. A bill to amend sections four and six of an act entitled an act for the encouragement of agriculture, approved February 17, 1852.

Was laid on the table.

On motion by Mr. Kerr,

House bill No. 325. A bill to amend the first section of an act entitled an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State, approved June 21, 1852.

Was laid on the table.

On motion by Mr. Cullen,

House bill No. 204. A bill in relation to subscribers to the stock of any contemplated railroad before the formation of the corporation, the effect thereof and how the same may be enforced.

Was laid on the table.

On motion by Mr. Dobbins,

House bill No. 193. A bill to designate the time and manner of electing Senators in Congress and State officers who are chosen by the General Assembly.

Was laid on the table.

On motion by Mr. Lane,

House bill No. 301. A bill to amend section nine of an act entitled an act to provide for a general system of common schools, the officers thereof and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof, approved March 5, 1855.

Was laid on the table.

On motion by Mr. Lane,

House bill No. 316. A bill repealing an act to establish a bank with branches, passed March 3, 1855.

Was laid on the table.

On motion by Mr. Cullen,

House bill No. 278. A bill to increase the duties and the salaries of the judges of the supreme court.

Was laid on the table.

On motion by Mr. Stillwell,

House bill No. 172. A bill to regulate and determine the fees

of judges in writs of habeas corpus, injunctions and retaining orders in the vacation of courts.

Was laid on the table.

On motion by Mr. Wagner,

House joint resolution No. 13, in regard to printing of the premium lists of the State board of agriculture.

Was laid on the table.

On motion by Mr. Schermerhorn,

House bill No. 200. A bill to authorize the Governor to appoint commissioners to take acknowledgment of deeds, or other contracts and depositions in foreign countries, and to amend section first of an act, entitled an act authorizing the appointment and prescribing the powers of commissioners in other States to take acknowledgment of deeds, and other instruments and depositions, approved May 31, 1852.

Was laid on the table.

Mr. Crowe, chairman of the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills have compared enrolled bills of the House Nos. 246 and 363, with the engrossed copies thereof, and find the same correctly enrolled.

Mr. Crowe, chairman of the committee on enrolled bills, made the following report.

MR. SPEAKER:

The committee on enrolled bills have compared enrolled bills of the House Nos. 118 and 210 with the engrossed copies thereof, and find the same correctly enrolled.

A message from the Governor by Mr. Osborne, his Secretary:

MR. SPEAKER:

I am directed by his Excellency, the Governor, to inform the House, that he has approved and signed the following bills thereof:

No. 308. A bill relative to the printing, binding, and distribution of the session acts, House, Senate, and documentary journals, declaring who shall be entitled to a copy of the same, au-

H. J.—75.



thorizing the Secretary of State to dispose of copies of acts by sale, when called for, and allowing such secretary a compensation for superintending such printing, binding, and distribution : Also,

House bill No. 267. An act to enable the Evansville and Crawfordsville railroad company to alter the line of its road : Also,

No. 320. An act providing for transfers of scholarships in the Indiana University for valuable consideration : Also,

House bill No. 246. An act to repeal the repealing clause of section 57, in an act entitled an act for the incorporation of insurance companies, defining their powers and prescribing their duties, approved June 17, 1852, and to renew the act incorporating the Madison and marine insurance company : Also,

House bill 363. An act repealing the 4th section of an act entitled an act to regulate the mileage of sheriffs in conveying convicts to the State prison, and of county treasurers in making deposits, and in their settlement with the Treasurer and Auditor of State, and the mileage of members of the General Assembly, approved June 17, 1852 : Also,

House bill No. 314. An act to authorize the formation of new counties and to change county boundaries.

Mr. Crowe, chairman of the committee on enrolled bills, made the following report :

**MR. SPEAKER :**

The committee on enrolled bills have compared enrolled bills of the House No. 213 and 305 with the engrossed copies thereof, and find the same correctly enrolled.

By unanimous consent,  
On motion by Mr. Claypool,

*Resolved*, That the Attorney General be requested to communicate to this house his opinion as to whether the fifty-sixth section of chapter fifty-four of the revised statutes of 1852 in regard to insurance companies, and the act amendatory of said section, passed in 1855, were constitutionally enacted and are in force.

Mr. Blake, chairman of the bank investigating committee, made the following report :

**MR. SPEAKER :**

The bank investigating committee, to whom was referred so

much of the Governor's message as relates to the bank of the State of Indiana, would beg leave to report, that immediately upon the organization of said committee, they adopted a resolution requiring the late Governor, Joseph A. Wright, to specify what acts of fraud were committed in procuring the passage of the charter of the bank of the State of Indiana, by whom committed, when and where, and the circumstances under which the same were committed; and, also, what acts of fraud were committed by the commissioners in said charter specified, or any of them, with the time, place and circumstances of each act of fraud committed by said commissioners, or any of them, in the location of the several branches of said bank, or any of them; or by the sub-commissioners in receiving stock in said branches, or any of them. Of which resolution they caused the said Joseph A. Wright to be duly notified. Your committee deemed such a course necessary for several reasons, among which they may specify the following, as of controlling importance, to-wit:

*First*—As every act of fraud must have been done by some one or more individuals, at some time and place, and under circumstances susceptible of specification; and as the investigation of such act of fraud involves the character, public and private, of those charged therewith, simple justice required that each act of fraud should be distinctly and specifically set forth, and each party implicated, furnished with a copy thereof, and allowed time and opportunity to defend himself against such charge. While a different course must have resulted in great injustice to those implicated, it must also have tended greatly to defeat the ends of the enquiry itself, by leaving your committee without any specific points to which to direct their inquiries.

*Second*—But another—though a subordinate reason—for the course of your committee was this: They did not deem it expedient to expend vast sums of money in an investigation of a general charge of fraud, without first having some well grounded assurance that the investigation would enable them to arrive at some definite and practical conclusion, upon which this House might properly act, for the common advantage of the State. Such must have been the result of any investigation unconfined by specific allegations of the fraud relied upon to overthrow the charter.

Your committee proceeded to investigate the mode in which stock was taken at each of the branches, and obtained from the proper authorities a copy of the original stock subscriptions, which is filed herewith, and made a part of this report:

OFFICE OF THE BANK OF THE STATE OF INDIANA,  
INDIANAPOLIS, February 7, 1857. }

*Statement of the names of the original Stockholders of the Bank of  
the State of Indiana, as they appear in this Office.*

LIMA BRANCH.

Names of Stockholders.	No. of shares.	Names of Stockholders.	No. of shares.
Thomas S. Beals.....	5	R. Dykes.....	30
William Rowles.....	10	Thomas J. Spaulding .....	20
John Nichols.....	60	S. P. Williams.....	560
Robert Hume.....	20	John B. Howe.....	560
Sylvanus Halsey.....	10	Samuel Barnell.....	80
George Wolcott.....	100	Philo Nichols.....	60
Thaddeus Nichols.....	40	John Nichols.....	20
S. P. Williams.....	160	John B. Howe.....	165
John Weston.....	100		
			2,000

LAPORTE BRANCH.

Names of Stockholders.	No. of shares.	Names of Stockholders.	No. of shares
D. G. Rose .....	600	E. D. Taylor.....	600
J. R. Hall.....	120	J. C. Walker.....	150
Samuel Benson.....	140	E. S. Organ .....	100
Benjamin P. Walker .....	20	W. C. Hannah .....	10
S. J. Anthony.....	30	W. S. Walker .....	150
W. R. Bowes .....	50	A. P. Richardson .....	30
			2,000

PLYMOUTH BRANCH.

Names of Stockholders.	No. of shares.	Names of Stockholders.	No. of shares.
A. L. Wheeler.....	500	Thomas McDonald.....	50
G. S. Cleveland.....	50	Joseph Evans .....	60
N. H. Oglesbee .....	50	Richard Corbaley .....	50
Rufus Brown .....	50	Rufus Hewett.....	20
Horace Corbin.....	10	Samuel Benson .....	100
William Everhart.....	60	E. D. Taylor.....	300
P. M. Kent.....	300	A. P. Richardson .....	100
S. J. Anthony.....	100	J. R. Slack .....	100
Joseph F. Brown .....	100		
			2,000

## SOUTH BEND BRANCH.

Names of Stockholders.	No. of shares.	Names of Stockholders.	No. of shares.
W. C. DePauw .....	600	James S. Davis .....	300
Samuel C. Sample .....	100	Albert G. Deavitt .....	100
John Reynolds .....	200	Benjamin Folsom .....	100
E. S. Reynolds .....	100	William Miller .....	40
E. Irvin .....	60	John Reynolds, for use of heirs of	
Samuel H. Patterson .....	300	George W. Reynolds .....	160
			2,000

## FORT WAYNE BRANCH.

Names of Stockholders.	No. of shares.	Names of Stockholders.	No. of shares.
S. Hanna .....	20	William Mitchell .....	20
John Weston .....	400	P. Hoagland .....	20
O. Bird .....	740	Allen Hamilton .....	20
Jesse S. Williams .....	20	M. W. Hubbard .....	20
H. McCulloch .....	740		2,000

## LAFAYETTE BRANCH.

Names of Stockholders.	No. of shares.	Names of Stockholders.	No. of shares.
John Fallis .....	50	John S. Williams .....	40
William C. Ray .....	50	Edmond F. Nexen .....	250
Wm. H. Watson .....	30	Eliphalet Ladd .....	50
D. A. Mitchell .....	50	C. M. Wheelock .....	216
John Wooley .....	50	Frederick P. Jones & Co. ....	50
J. G. Sleight .....	50	John Curtis .....	30
Williamson D. Crothers .....	20	Thomas Kelley .....	60
John M. Cowan .....	20	Jesse J. Alexander .....	40
R. Crowley .....	300	Nathaniel Cook .....	300
R. Reynolds .....	50	Isaac Reynolds .....	50
Fitch B. Stacy .....	50	M. Fowler .....	50
A. Earl .....	50	Henry L. Ellsworth .....	50
C. F. Lilly .....	50		2,000

## LOGANSPORT BRANCH.

Names of Stockholders.	No. of Shares.	Names of Stockholders.	No. of Shares.
E. H. Brown .....	20	E. T. Stevens.....	20
George Cecil.....	30	R. M. Kennedy.....	20
Jonathan Farquon.....	20	D. B. Coulson.....	40
M. Beeler.....	40	R. Taber.....	20
F. Keyes.....	304	J. B. Eldridge.....	20
Stephen C. Faber.....	20	Richard Prior.....	20
Charles Luy.....	20	Jacob Kuns.....	20
Isaac C. Colton.....	50	C. Vigers.....	40
George M. Jerolaman.....	50	Mary Jerolaman.....	50
Graham N. Fitch.....	230	G. N. Fitch, Trustee.....	830
Cornelius Conover.....	10	George Kuns.....	10
Kuns, Knowlton & Co.....	10	M. G. Bright.....	86
Israel Johnson.....	20		2,000

## INDIANAPOLIS BRANCH.

Names of Stockholders.	No. of Shares.	Names of Stockholders.	No. of Shares.
W. H. Talbott.....	100	Jonathan S. Harvey.....	100
E. W. H. Ellis.....	100	A. F. Morrison.....	100
John M. Talbott.....	80	John P. Dunn.....	100
William B. Beach.....	50	William R. Nofsinger.....	40
John D. Defrees.....	40	W. C. De Pauw.....	1,010
Jesse J. Alexander.....	20	John S. Spann and W. H. Talbott.....	60
John S. Spann.....	50	Isaac W. Hunter.....	50
Hardin Parish.....	100		2,000

## RICHMOND BRANCH.

Names of Stockholders.	No. of Shares.	Names of Stockholders.	No. of Shares.
Miles Murphy.....	50	Jehu T. Elliott.....	100
Benjamin F. Murphy & Co.....	25	William Murphy.....	25
Phineas M. Kent.....	1,775	Daniel P. Wiggins.....	5
Robert Morrison.....	5	William Kenworthy.....	5
Albert C. Blanchard.....	5	John S. Newman.....	5
			2,000

## CONNERSVILLE BRANCH.

Names of Stockholders.	No. of Shares.	Names of Stockholders.	No. of Shares.
John McIlvaine.....	10	James Dickey.....	6
W. T. Hensley.....	10	Miner Meeker.....	20
George Scott.....	10	E. F. Claypool.....	40
Henry Goodlander.....	20	Jesse Holton.....	4
William H. Wherrett.....	10	John S. Davis.....	240
M. G. Bright.....	240	S. H. Patterson.....	240
W. C. De Panw.....	240	Henry Simpson.....	360
Newton Claypool.....	360	Sherman Schofield.....	40
Bateman & Gates.....	10	M. Helm.....	20
W. H. Green.....	4	Isaac Myer.....	20
Jacob Myer.....	10	W. W. Frybarger & Co.....	10
W. W. Frybarger.....	10	James Heron.....	4
Henry Rider.....	6	John G. Kershom.....	10
John S. Reid.....	10	Thomas J. Crisler.....	10
Benjamin F. Claypool.....	16	James M. Green.....	10
			2,000

## RUSHVILLE BRANCH.

Names of Stockholders.	No. of Shares.	Names of Stockholders.	No. of Shares.
George Hibben.....	200	J. H. Oglesby.....	40
D. M. Stewart.....	20	H. Dinwiddie.....	40
A. Megee.....	20	Hibben & Flinn.....	40
James B. Cooke.....	20	A. J. Jackson.....	10
Solomon Simpson.....	10	George C. Clark.....	10
Lewis Maddox.....	65	Joseph Hamilton.....	40
Leonidas Sexton.....	10	Thomas Maddox.....	10
B. F. Johnson.....	10	J. Amos.....	5
Joseph D. Patterson.....	80	John L. Robinson.....	100
Hamilton Miller.....	50	Chenoweth Robinson.....	50
R. S. Sproule.....	30	J. B. Foley.....	50
A. Posey & Co.....	80	John L. Robinson, Agent.....	300
M. G. Bright.....	800		2,000

## MADISON BRANCH.

Names of Stockholders.	No. of Shares.	Names of Stockholders.	No. of Shares.
James B. Merriweather.....	200	J. Marsh.....	200
J. W. Chapman.....	200	M. G. Bright.....	1,200
Richard J. Bright.....	200		2,000



## JEFFERSONVILLE BRANCH.

Names of Stockholders.	No. of shares.	Names of Stockholders.	No. of shares.
Mabury, Pyle & Co .....	20	J. G. Read .....	30
James Mitchell .....	20	Simon Bottorff .....	60
M. W. Shields .....	50	W. F. Collum .....	50
George F. Savity .....	50	D. Ricketts .....	60
A. S. Cruthers .....	20	Levi Sparks .....	50
W. L. McCampbell .....	20	J. H. McCampbell .....	20
J. W. Ray .....	20	J. G. Caldwell .....	10
William Lee .....	10	T. J. Downs .....	5
W. G. Demeron .....	20	Logan & Stratton .....	20
Josiah Reeder .....	10	M. Gregg & Sons .....	20
J. G. Read .....	50	James Keigwin .....	50
Charles Howard .....	200	Sebre Howard .....	200
S. H. Patterson .....	330	Thomas L. Smith .....	230
Ann M. Smith .....	100	Simon Bottorff .....	40
W. D. Beach .....	10	S. H. Patterson .....	110
Thomas L. Smith .....	115		
			2,000

## NEW ALBANY BRANCH.

Names of Stockholders.	No. of shares.	Names of Stockholders.	No. of shares.
J. J. Brown .....	25	T. H. Collins .....	6
James Collins .....	10	W. N. Benton .....	1
W. D. Morris .....	10	R. Oliver .....	5
Claggett & Spronles .....	5	E. W. Caldwell .....	5
J. W. Conner .....	15	E. Commandeur .....	2
James T. Campbell .....	5	Millicent Garretson .....	2
W. B. Hancock .....	10	John Hancock, Sr. ....	10
Thompson Jones .....	1	Aaron Lyons .....	1
S. H. Patterson .....	10	James Pierce .....	10
John A. Hutton .....	2	James H. Marshall .....	1
J. M. Pritchett .....	10	James Montgomery .....	5
John McMahan .....	13	J. M. Rawlins & Co. ....	50
Charles Van Dusen .....	5	J. S. McDonald .....	2
Rachel H. Evans .....	10	W. E. Allison .....	2
John Briggs .....	10	Nicholas Blessing .....	4
James Rodger .....	5	J. A. Brouse .....	10
Henry Beharville .....	5	Louis Brevet .....	7
Simon Bottorff .....	25	R. P. Main .....	10
Thomas Humphreys .....	1	H. Rutherford .....	10
John Barnett .....	10	Charles Barth .....	10
J. P. Cronise .....	5	W. C. Conner .....	10
Thomas Conner .....	20	G. C. Conner .....	12
W. S. Culbertson .....	20	J. C. Culbertson .....	10
Cox & Angel .....	5	W. H. Cooper .....	5
G. W. Carter .....	5	Francis Collins .....	7
John M. Cooper .....	5	Downman & Humphreys ..	31
H. N. Devo .....	5	John Gordon .....	20
James Pooley .....	5	D. Reisinger .....	25
James T. Allen .....	10	J. P. Smith .....	5
Edwin Marsh .....	10	John W. Sanders .....	2
Goudy, Terry & Co. ....	3	Edgar Needham .....	2
Samuel Bottorff .....	5	Cox, Angel & Pitt .....	3
Parker, Wright & Co. ....	5	Rodger Johnston .....	20
J. K. Woodward .....	10	G. G. Carville .....	10
David Crane .....	10	J. P. Franck .....	10
V. Graff .....	3	C. D. Green .....	10
Gamaliel Garretson .....	10	J. N. Goshorn .....	4
Hurlbut & Mann .....	15	J. M. Kunalman .....	2
William Hart .....	10	M. Hand .....	2
William Jones .....	10	T. M. Johnson .....	3
Moffit & Pitt .....	5	John Kiger .....	10
Adam Knopp .....	10	Lent, South & Shipman ..	10
Henry Lake .....	10	John Mann .....	10
Mann & McCulloch .....	10	Martin Wolf .....	10

NEW ALBANY BRANCH.—*Continued.*

Names of Stockholders.	No. of shares.	Names of Stockholders.	No. of shares.
M. Pictal.....	1	Walter Mann.....	13
C. Mercker.....	5	C. S. Mears.....	10
J. E. Myers.....	10	E. A. McGurness.....	2
Henry McDougal.....	2	Israel Moore.....	5
Gilbert McMaster.....	4	Walter Moore.....	5
J. S. Alexander.....	5	James Dietz.....	5
F. Pictal.....	10	V. A. Pepin.....	12
Reiley, Hoover & Reiley.....	3	W. L. Sanderson.....	3
Scribner & Devoil.....	15	Thomas Sinex.....	5
Thomas Strong.....	20	Joseph Smith.....	1
P. M. Wilcox.....	15	W. C. De Pauw.....	15
Experience Smith.....	10	Peter Smeaton.....	5
G. C. Schivley, Sr.....	5	P. R. Stoy.....	10
William Speaker.....	10	W. A. Scribner.....	3
David Voiles, Sr.....	10	David Voiles, Jr.....	5
S. P. Town.....	5	J. G. Tompkins.....	5
J. R. Nunemacher.....	10	James Cadwalader.....	15
Mary Ann Lindsley.....	50	E. G. Wood.....	5
Rosenham & Wirt.....	10	Josiah Johnson.....	3
Kent & Brothers.....	20	Edmund Newby.....	20
P. Pictal.....	1	T. K. Wibble.....	1
Charles Wibble.....	10	B. B. Tompkins.....	5
H. O' Cannon.....	5	Joseph Blunk.....	5
Isaac Chase.....	12	J. W. Reymann.....	22
J. R. Porter.....	10	William Duncan.....	5
M. A. Malott.....	10	Henry Dorr.....	8
George McDonald.....	3	D. H. Cadwalader & Son.....	15
James Burgher.....	10	Caleb Trulood.....	20
James Brooks.....	5	William Lindley.....	20
John H. Butler.....	10	Charles and Mary Ann Weeks.....	5
James Johnson.....	5	V. A. Pepin.....	605
H. Wilson.....	20	John S. Bortorff.....	5
M. J. Robinson.....	3	John Krupfly.....	5
John F. Anderson.....	10	Huey & Fox.....	5
			2,000

## BEDFORD BRANCH.

Names of Stockholders.	No. of shares.	Names of Stockholders.	No. of shares.
W. C. DePauw.....	880	John S. Davis.....	560
M. A. Malatt.....	90	N. F. Malatt.....	10
B. Newland.....	50	William Duncan.....	40
J. L. Menaugh.....	100	Stever Younger.....	10
William M. Northcraft.....	10	George A. Thornton.....	250
			2,000

## VINCENNES BRANCH.

Names of Stockholders.	No. of Shares.	Names of Stockholders.	No. of Shares.
Samuel Judah.....	110	J. Mass.....	10
John Ross.....	100	W. J. Heberd.....	10
W. E. Brown & Co.....	10	John Caldwell.....	20
J. W. Maddox.....	20	J. C. Deming.....	10
C. M. Allen.....	20	James Dick.....	100
S. H. Patterson.....	550	J. H. Hager.....	550
A. L. Roache.....	150	W. H. Beach.....	100
P. McGrady.....	20	William Burtch.....	20
William Hays.....	20	J. H. Hager.....	50
J. C. Palmer.....	5	F. W. H. Dick.....	5
J. W. Eastham.....	20	M. G. Bright.....	90
A. W. Morris.....	10		
			2,000

## TERRE HAUTE BRANCH.

Names of Stockholders.	No. of Shares.	Names of Stockholders.	No. of Shares.
William B. Twell.....	40	John P. Usher.....	40
Jacob H. Hager.....	50	Addison L. Roache.....	150
Albert Lange.....	50	William E. McLean.....	50
William R. McKeen.....	230	R. Tousey.....	50
James Cook.....	20	Lewis M. Cook.....	20
Thomas Dowling.....	1,300		
			2,000

## MUNCIE BRANCH.

Names of Stockholders.	No. of Shares.	Names of Stockholders.	No. of Shares.
Martin Galliher.....	20	Volney Wilson.....	25
Thomas Kirby.....	40	Jacob H. Wyser.....	10
William B. Kline.....	20	Jamuel W. Harlan.....	10
John Jack.....	10	Samuel P. Anthony.....	10
Edwin C. Anthony.....	10	Luston Dunham.....	200
N. W. Carroll.....	20	Isaac C. Railsback.....	40
Isaac Myer.....	60	Nathaniel Benjamin.....	130
Benjamin Huston.....	100	John Marsh.....	150
David S. Benson.....	10	Evans & Swift.....	300
John W. Benson.....	390	William Petty.....	400
J. S. Buckles.....	5	James Hodge.....	10
C. P. Streeeter.....	10	David Kilgore.....	20
			2,000

## LAWRENCEBURG BRANCH.

Names of Stockholders.	No. of Shares.	Names of Stockholders.	No. of Shares.
Walter Hays.....	600	Ezra G. Hays.....	50
John Ferris.....	10	S. S. Potter.....	20
Joseph D. Pattison.....	20	E. G. Benham.....	20
M. G. Bright.....	1,200	Samuel Morrison.....	60
Philip L. Spooner.....	20		2,000

It appears from these books, that at many of the branches the stock was taken by a few individuals, and in some cases extraordinary large amounts by a single person. But there seems to have been no objection made to this disposition of the stock except at a few of the branches, and that legal proceedings were instituted, and the books afterwards opened and the stock taken by every one who desired it ; this occurred at New Albany and Evansville.

The committee consider that the question could not now be received in this legislative body in such a way as to produce any effectual result as to whether this stock was legally taken or not, but that it was a question for the courts alone to decide, the question being raised in a proper way on a construction of the law. If, for instance, at any point where the books were opened for subscription of stock, if any one was refused on application to subscribe, the party so injured had his remedy in the courts of the land, from whom he could demand a decision of the question of right, and a construction of the provisions of the charter.

The question as to the transferring this stock since the primary subscriptions were made, to whom transferred, and the amounts received as premiums on the original stock subscriptions, by the holders of the same, the committee did not consider as legitimate to the inquiry which they were to make, as it could not affect the question. If the party obtaining stock had a legal title to the same, he had a right to sell and transfer the same for whatever price he could obtain; and if his title to the stock was not a valid one, the sole question of such validity was one which could be settled only by the parties interested, and was not a question with which your committee or the legislature could in any way interfere. The committee, however concluded to obtain a copy of the present stock books, and herewith file a copy of this report.

These books show that a great portion of the original stock has been transferred to other parties.

The committee concluded to examine such witnesses as were suggested on throwing light upon the passage of the bill, but avoided useless expense unless there was a probability of arriving at some result. The committee examined several witnesses, whose testimony is herewith filed. This testimony does not sustain the charges made in the message of the Governor. Many

other witnesses would have been examined, but they had already undergone examination before the Senate committee, and the doubling of expense, which would amount to several thousand dollars, would have been a useless expenditure of money.

Your committee would therefore, in conclusion, say that they find nothing in the matter which sustains the charges made against members of the legislature who voted for the charter of said bank, that they voted from any corrupt or mercenary motives, that the evidence shows that all the members who were present as voting for the bill creating the charter, were present at the time. The committee would, therefore, report that they have been unable to obtain any evidence going to sustain the charges.

There is some evidence showing that the members assisted each other in the passage of favorite measures, but beyond this, there is no evidence of influence to obtain votes for the charter.

Had there not been a Senate committee pursuing the same investigations, your committee would have devoted more time and attention to the subject, and might have elicited additional evidence, but it would have been an enormous expense, and would not have assisted the investigation of the Senate committee. Your committee, therefore, ask to be discharged.

On motion by Mr. Studabaker,  
The report was laid on the table.

On motion,  
The committee was discharged.

On motion by Mr. Schermerhorn,  
Leave was granted him to record his name as dissenting from the report of the majority of the committee.

A message from the Senate—Mr. Cullen of Cass, in the Chair.

The following message was received from the Senate by Mr. Harvey, their Secretary :

**MR. SPEAKER :**

I am directed to inform the House that the Senate have passed:

House bill No. 364. A bill making specific appropriations for the year 1857, with sundry amendments of the Senate thereto.

In which the concurrence of the House of Representatives is respectfully requested.

The question being on concurring in the engrossed amendments

of the Senate to House bill No. 364 contained in the foregoing message.

They were agreed to.

By unanimous consent,  
On motion by Mr. Humphreys,

*Resolved*, That the Senate be requested to return back House message concurring in the amendments of the Senate to the specific appropriation bill.

Mr. Gordon moved that the House adjourn,  
Which was not agreed to.

Mr. Moore moved that the House adjourn,  
Which was not agreed to.

On motion by Mr. Wagner,  
The House adjourned.

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MONDAY MORNING, 8½ o'clock, {  
March 9th, 1857. }

The House met.

The journal was read.

Mr. Moore moved to amend that part of the action noted on the journal of Saturday last, as refers to the concurrence of the House in the amendments of the Senate to the bill making specific appropriations for the year 1857, as follows:

Strike out the words "they were agreed to," and insert, "the Speaker pro tempore announced that they were agreed to."

Which was agreed to.

Mr. Williams of Knox, from the special committee heretofore appointed for the investigation of bank frauds, made the following minority report:



MR. SPEAKER:

The undersigned, a member of the select committee to whom was referred so much of the Governor's message as relates to frauds in connection with the bank of the State of Indiana, would dissent from a portion of the report submitted by a majority of the committee. A number of names were submitted as witnesses; two only were called on, and they received but a cursory examination. As one of the members of that committee, I deemed a thorough examination called for, and desired to have it instituted. I often suggested to the chairman the prosecution of the investigation, and received an evasive answer; and for the latter three or four weeks of the session no meeting has been held. The report submitted by the chairman was never seen by me, and was handed in late on Saturday night.

It was my desire to have had a full investigation of the alleged charges. The character of the bank is much injured, if these charges, which, if untrue, they should be permitted to disprove—true, the penalty of such conduct should be severely visited on the head of the guilty parties.

JAMES D. WILLIAMS.

Mr. Williams of Knox presented the following protest signed by himself and twelve others:

MR. SPEAKER:

The undersigned, members of the House of Representatives, respectfully protest against the action, or what is said to be the action of this House on Saturday night, in relation to the passage of House bill No. 364, being the specific appropriation bill.

It is due to the undersigned to say, that while they are willing to vote fair and liberal compensation to all persons employed by the legislature, and allow all just demands against the State, of the character usually provided for in such bills, yet they cannot remain silent, and by that silence be regarded as acquiescing in the extravagant and unjust appropriations made in this bill.

The bill, as it passed the House, was so objectionable, that the undersigned opposed it, but several of the undersigned reluctantly yielded, and voted for it on Friday, rather than stop further legislation, but when it came back from the Senate with *extravagant*, *unjust* and *unlooked for amendments*, we considered it alike due to ourselves and to the State to strike out the unjust amendments, and curtail the extravagant allowances. But our rights were overlooked, our motions disregarded, and the amendments of the Senate declared to be concurred in by the House, when no vote had been taken to that effect.

When the bill was reported to the House, and while the Clerk was reading the engrossed amendments of the Senate, a friend of

the appropriations proposed to the Speaker to leave the chair, and W. J. Cullen, a member from Cass, took the same.

As soon as the reading was finished, Mr. Williams of Knox, standing at his desk, moved to concur with one amendment, which amendment was sent to the desk. The Speaker pro tem disregarding this motion, stated, "will the House concur in the amendments of the Senate?" Whereupon Messrs. Williams of Knox, Moore of Owen, Smith of Bartholomew, Slicer of Daviess, and others demanded the ayes and nays, which was refused, in utter violation of the 12th section of the 4th article of the constitution, where it says, "the yeas and nays of any question, shall, at the request of any two members, be entered, together with the names of the members demanding the same, on the journals;" and other members called out no! no!—a few said aye! aye!—when the Speaker announced that the amendments of the Senate were concurred in by the House, without ever calling for a vote in the negative.

On enquiry being made of the Speaker pro tem what was the fate of the bill and amendments, the response was, "that the House had concurred, and returned the bill to the Senate." Whereupon (Speaker Smith having taken the chair) a resolution was introduced and adopted, requesting the Senate to return the bill, that there might be legal action taken by the House on the same. Understanding that the resolution was laid on the table in the Senate, the undersigned addressed the following notice to the Governor, which was submitted for his consideration by Messrs. Dobbins and Williams:

*To His Excellency, Governor Willard :*

The specific appropriation bill that originated in the House passed the Senate with sundry amendments and was sent to the House for their concurrence. It is said that a vote was taken upon the amendments and declared by the Speaker in the chair, Mr. Cullen, to be concurred in ; there was no negative vote announced. The ayes and nays were called, but disregarded. Our constituents were grossly mistreated by their representatives not being heard. We now appeal to you for redress of our rights. We protest against the supposed concurrence in the Senate amendments. We declare that the vote in this House was not legally taken.

*Signed:—*C. S. Dobbins, Geo. W. Lane, Geo. W. Massey, T. A. Slicer, Geo. W. Moon, Geo. W. Duncan, J. D. Williams, Jas. W. Modesitt, T. P. Smith, Wm. Taggart, and Thos. G. C. Clark.

Therefore, in view of these facts, and for the purpose of setting ourselves right on the record, and to express our disapprobation of the unprecedented course of legislation here referred to, by which

our rights have been disregarded and the interest of the State lost sight of, we enter this, our positive protest.

GEO. W. MOONE, of Owen county.  
 JAS. W. MODESITT, of Clay county.  
 J. D. WILLIAMS, of Knox county.  
 G. W. LANE, of Dearborn county.  
 THOS. G. CLARK, of Madison county.  
 G. W. DUNCAN, of Clay county.  
 T. A. SLICER, of Daviess county.  
 F. P. SMITH, of Bartholomew county.  
 G. W. MASSEY, of Pike county.  
 C. S. DOBBINS, of Martin county.  
 J. J. McKINNEY, of Jay county.  
 WM. TAGGART, of Brown county.  
 THOS. N. STILLWELL, of Madison county.

Mr. Larue presented the following protest signed by himself and twenty others:

The undersigned members of this House of Representatives, respectfully enter their protest against the action of the majority of the committee on elections, and the action of this House taken in regard to the contested election in Rush county, and assign the following reasons in support of such protest:

*First*—The committee proceeded to hear and decide upon questions charging fraud and corruption upon certain citizens of this State, and have attempted to decide and to proclaim publicly by the authority of this House, that those citizens have been guilty of high crimes and misdemeanors, without giving the parties accused the opportunity of demanding “the motives and cause of the accusation” against them, without furnishing them a copy of such accusation, and have extended to such citizens no opportunity, by notice or otherwise, of meeting the witnesses against them “face to face,” nor of obtaining witnesses in their favor. Constitution, Art. I, sec. 13.

Which action on the part of said committee, is in direct conflict with the action of the committee sanctioned by this House, in the matter of the charges contained in the message of the late Governor against the Bank of the State of Indiana.

*Second*—The committee received testimony of witnesses, showing what those witnesses had heard others say with regard to the Rush county election, when not in the presence of the contestee, thus demonstrating that the committee ignored the entire chapter in all works on evidence, entitled “hearsay not evidence.” And believing that it is the duty of Representatives to protect the reputation of the people of the State, and not to retail hearsay slander.

er against them. Your protestants object to this violation of the fundamental rules of evidence.

*Third*—We protest also against the action of the House in refusing to admit Mr. Sexton to his seat as Representative from Rush county, inasmuch as the committee have not only wholly failed to establish that a sufficient number of illegal votes were cast for Mr. Sexton to overcome the majority received by him over his opponent, but have entirely failed to cast a suspicion upon a sufficient number to equal such majority. And if the committee have been, as they allege, unable to obtain the testimony of certain witnesses who have emigrated from the State, thus placing themselves beyond our jurisdiction, we deem this fact, unless it be shown that Mr. Sexton was concerned in said emigration, (which is not done,) operates rather as a failure of proof than as evidence of the frauds alledged. Such would be the legal conclusion, and in this particular at least, law and reason does not differ.

We consider the exclusion of Mr. Sexton upon the grounds stated by the committee, to evince more political asperity than justice; and that the arguments pretending to justify such a course, used by the committee, betray more anxiety to subserve party ends than depth of research or cogency of logic.

J. D. CONNER,  
J. DAVIS, of Hendricks,  
GEO. CRAWFORD,  
JNO. M. LARUE,  
ALEX. H. CONNER,  
A. B. PRICE,  
G. D. WAGNER,  
SMITH VAWTER.  
D. BATTERTON,  
G. K. STEELE,  
GEORGE C. MERRIFIELD,  
JOHN WHITCOMB,  
MILTON MERCER,  
H. W. SHUMAN,  
D. C. BRANHAM,  
T. B. SLOSS,  
J. W. GORDON,  
M. C. SMITH,  
ROBERT BOYD,  
M. P. EVANS,  
WILLIAM C. JEFFERIS.

A message from the Governor by Mr. Osborne, his Secretary.

MR. SPEAKER:

I am directed by his Excellency, the Governor, to inform the House, that he has approved and signed the following bills thereof.

No. 148. A bill to amend the first section of an act entitled an act concerning licenses to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show, and legerdemain, approved June 15, 1852, and for the encouragement of agriculture, and concerning the license of stock and exchange brokers.

House bill No. 210. An act to amend the 26th sec. of an act entitled an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof.

No. 118. An act to enable the common councils of the several incorporated cities of this State, to prescribe by ordinance, the time within which the annual assessments for city purposes shall be made, and the rolls thereof returned, and the time within which the city tax rolls or duplicates shall be made and delivered to the collecting officers, and also the time within which such collecting officers shall make their collections and returns.

House bill No. 213. An act to repeal all general laws now in force for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto.

House bill No. 364. An act making specific appropriations for the year 1857.

House bill No. 365. An act to apportion Senators and Representatives for the next four years.

On motion by Mr. Studabaker,

*Resolved*, That a committee be appointed on the part of the House to act with a similar committee on the part of the Senate, to wait upon his Excellency, the Governor, and inform him that the General Assembly have been in session the length of time fixed by the Constitution, and are about to adjourn *sine die*, unless he has some further communication to make, and the Senate be informed of the adoption of this resolution.

Messrs. Studabaker, Humphreys, and Steele, were appointed said committee on the part of the House.

Mr. Grose presented the following memorial of Leonidas Sexton :

MR. SPEAKER :

The undersigned would represent that he was duly elected a Representative in the General Assembly from the county of Rush, at the General election held in said county, on the 14th day of October, 1856; that the clerk of the Rush circuit court illegally refused to give him a certificate of election, alleging as an excuse



for said refusal, that John L. Robinson had contested his election as such Representative ; that he subsequently procured from said clerk a copy of the tabular statement of the votes cast at said election, a copy of the certificate of the board of canvassers of said election, made pursuant to law, showing that your memorialist received eighteen hundred and four (1804) votes at said election, and Samuel McBride seventeen hundred and eight (1708) for Representative, duly certified to by said clerk under the seal of said court; that he presented the same at the opening of the present session of the General Assembly to the clerk of the House of Representatives, who was superintending the organization of the House, and demanded to be sworn, as he had a right to be, as a duly elected Representative ; but objections were made by persons who had no other or greater rights on the floor of the House than your memorialist, and he was wrongfully refused permission to be sworn and take his seat ; that after the organization of the House Samuel McBride, without any just claim whatever to a seat in the House, and who was defeated at said election by your memorialist by ninety-six majority of the legal votes cast at said election, presented a memorial claiming to be the legally elected Representative from the county of Rush, which memorial, together with the tabular statement and certificates aforesaid, and a statement of the grounds of contest filed by said Robinson in the clerk's office of Rush county, were referred to the committee on elections; that the House has twice, since its organization, refused to permit your memorialist to be sworn and take his seat as a member, whereby the people of Rush county have been unjustly deprived of the representation in the House of Representatives, which is guarantied to them by the constitution; that the committee on elections have had said papers before them ever since the first day of the session; that instead of investigating the grounds of contest specified in said statement in the memorial of said McBride, or in the statute of the State passed in pursuance of the 10th section of the 4th article of the constitution, said committee have been trying to establish by hearsay declarations, opinions, conjectures and admissions of persons not parties to the contest, and who are themselves competent witnesses to testify to any facts pertinent to the issue, that there was a conspiracy or combination to induce persons residing in other counties to remove into Rush county prior to said election, with a view of acquiring a residence there and voting at said election, without showing that they were illegal voters, that they were to vote, or that they did vote at said election for your memorialist, which course of procedure on the part of said committee, he has been informed by his counsel, and believes, is not authorized by the constitution or any law of the State, and transcends the power conferred on the House itself; that he has submitted to this injustice to himself and constituents until the session has about expired without appealing to the House for redress; and that, as an act of justice to Rush county, which is one of the most



populous, as well as largest tax-paying counties of the State, he ought no longer to be deprived of representing her interests on the floor of the House, a position of which he has been unjustly deprived for more than eight weeks of the session. He therefore asks that the rights of his constituents may be respected; that they may no longer be deprived of their representation on the floor of the House, and that he may be at once permitted to take his seat as their Representative. He suggests the following additional reasons why this request should be granted:

*First*—The tabular statement and certificates presented by your memorialist, show that he is the duly elected Representative from the county of Rush.

*Second*—No other person has presented any evidence whatever to the House of any right to represent the people of Rush county in the present General Assembly in the House of Representatives.

*Third*—Your memorialist has been present at the capital, almost without interruption, since the commencement of the session, ready, willing and anxious to enter on the discharge of his duties as representative, and to execute the trust reposed in him by his constituents to the best of his ability.

*Fourth*—His opponent, apparently conscious that he has no legal or just right to claim the seat which your memorialist was elected to occupy, has not been present, as he believes, more than four or five days during the session.

*Fifth*—While the House and the committee on elections have appeared to treat the law regulating contested elections as a nullity, the contest has been mainly conducted by a person who does not claim to be an attorney or agent of Mr. McBride, and whose only right to interfere in said contest depends wholly on the validity of said law, so far as your memorialist has been informed.

*Sixth*—Rush county, on principles which lie at the very foundation of our system of government, ought not to be taxed unless she is represented.

*Seventh*—Your memorialist is duly elected Representative of the county of Rush, having received a clear majority of all the legal votes cast for that office at said general election.

*Eighth*—Samuel McBride is not the legally elected Representative of Rush county, having been defeated by ninety-six majority of the legal votes cast for that office at said election.

*Ninth*—Your memorialist has presented clear and conclusive evidence of his election to the House, which has not been, and cannot be controverted.

*Tenth*—He is satisfied he could show, were it necessary to establish his right to his seat, and had not the committee on elec-

tions already consumed the principal part of the session in an investigation wholly foreign to the issue, and unauthorized by law, as he has been informed and believes, that Samuel McBride received at said election for Representative ten illegal votes in Rushville township, five in Jackson, ten in Washington, ten in Center, five in Ripley, four in Posey, ten in Walker, five in Orange, four in Anderson, four in Richland, five in Noble, and ten in Union, but he deems it wholly unnecessary.

*Eleventh*—He believes he could show, were it necessary, that the judges and clerk of said election, by mistake or otherwise, returned a greater number of votes for said McBride, than there were ballots for him in the several ballot boxes, and that they, in like manner, returned fewer votes for your memorialist than there were ballots for him in said ballot boxes.

*Twelfth*—If he were disposed to recognize the legality of the extraordinary course pursued by a majority of the committee on elections by introducing testimony to rebut the illegal testimony which has been introduced by the contestor, or by introducing similar testimony against the party prosecuting this contest, he can have no opportunity of doing so, as there is no time left, before the close of the session, for that purpose.

*Thirteenth*—The committee have wholly disregarded the rules of evidence, the testimony taken being wholly inadmissible under any provisions of the Constitution or law of the State; and the investigation is without law, or precedent in the history of the State.

*Fourteenth*—Important bills have been before the General Assembly relating to the appraisement of real property for taxation, relating to interest on money, relating to the apportionment of Senators and Representatives, and to nearly all the great interests of the people of the State, in which his constituents are deeply concerned, and in the settlement of which they have a right, through their Representative, to be heard and to take part, but they have been deprived of their rights.

He, therefore, asks to be sworn as a Representative, and to be permitted to take his seat as a member of the House, that this simple act of justice be no longer deferred, and this memorial be spread on the journal of the House, as an official notification to his constituents of the reasons why he has not been discharging his duties as their Representative on the floor of this House, during the period of the session which has expired. After more than three months labor on the part of the contestor, before justices of the peace, notaries public, and the committee on elections, in taking testimony, your memorialist is satisfied that the contestor has not proved that your memorialist received five illegal votes for Representative at said election; indeed, he believes, there is no legal proof that he received one vote of that description. Further

delay in admitting your memorialist can be justified on no principle of justice, or ground of public policy. He trusts that it is not the purpose of the House to become a party to any arrangement by which the personal or political animosities of any one may be gratified at the expense of his constitutional rights, and the interests of the county he was elected to represent. Very little has been done before the committee for the last three weeks, and every effort of his counsel to get the contestor or the committee to fix a time to close his testimony, and give your memorialist an opportunity of introducing his, proved unavailing. It appeared to be the settled policy of those managing the case for the contestor, to protract the investigation, without reference to any practical results contemplated by law, until the expiration of the session. Against such injustice and tyranny he enters his solemn protest, and asks to be admitted, without further delay, to the rights and privileges of a Representative.

LEONIDAS SEXTON.

INDIANAPOLIS, March 6, 1857.

Mr. Gordon presented the following protest:

MR. SPEAKER:

As a Representative of Marion county, I protest against the passage of the apportionment bill, as unequal, unjust, and, in spirit unconstitutional.

The Constitution provides that Senators and Representatives shall be apportioned "among the several counties, according to the number of white male inhabitants above twenty-one years of age, in each. Art. 4, sec. 5. Now it is well known, that, according to this rule of apportionment, the act, (against the passage of which, this is my protest,) deprives Marion county of one Representative to which she is justly entitled. On any just ratio, Marion is entitled to three Representatives. And if compensation should be allowed in representatives, to any county on account of any overplus in the Senatorial ratio, she is entitled to four Representatives.

The Senatorial ratio, on no basis that can be justly assumed, exceeds four thousand five hundred voters; and the county of Marion has at this time, an overplus of near three thousand. None of this overplus were compensated in Representatives. Marion county ought to be allowed four Representatives, at least.

There are other counties and districts even more unjustly treated by the provisions of the act referred to, than Marion. The act itself seems to me to have been passed more in compliance with the dictates of party spirit, and for the attainment of party ends, than to maintain the Constitution, and the rights of the people to a fair representation in the General Assembly.

I, therefore, protest against the passage of that bill, as subversive of the principle of representation, and the constitution which secures that principle, an outrage upon my constituents, and upon the moral sense of mankind.

J. W. GORDON.

Mr. Crawford, from the committee on elections, made the following report :

MR. SPEAKER :

The committee on elections, in answer to the resolution of the House inquiring relative to the expense of the Rush county election case, would reply that the only expenses of which they have any knowledge, is the pay of witnesses who appeared and were examined—at the usual fees allowed witnesses before the circuit court—of these there were about fifty who attended from two to three days each ; and of the fees of Sergeant-at-arms, the same fees as those allowed to Sheriffs. The Sergeant-at-arms summoned over one hundred witnesses, and attached a similar number, as appears from the books of the Clerk of the committee.

Mr. Schermerhorn, from the committee on ways and means, made the following report :

MR. SPEAKER :

The committee on ways and means, to whom was referred House bill No. 17, have had the same under consideration, and have directed me to report the same back to the House, recommending that the further consideration thereof be indefinitely postponed.

Which report was concurred in.

Mr. Sherrod, from a select committee, made the following report :

MR. SPEAKER :

The select committee, to whom was referred House bill No. 269, have had the same under consideration, and have instructed me to report the same back and recommend its passage.

Which report was concurred in, and the report and bill was laid on the table.

On motion by Mr. Humphreys,

*Resolved*, That the Clerk, and Assistant Clerks and Reporters of the House, be allowed a copy of the Journals of the House, as allowed by the resolution of the House to each member, to be distributed in the same manner.

On motion by Mr. Blake,

*Resolved*, That the thanks of this House be returned to Mr. Lewis Bollman, reporter of the Journal, and Mr. Charles P. Baymiller, reporter of the Sentinel, for the able and impartial manner in which they have reported the proceedings of this House, during the present session.

On motion by Mr. Sherrod,

*Resolved*, That the opinion of the Attorney General in relation to insurance laws, called for by resolution adopted on Saturday, be incorporated in the journal, though it may not be communicated to this House before the adjournment.

On motion by Mr. Blake,  
The House adjourned.

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1½ O'CLOCK, P. M.

The House met.

A message from the Senate, by Mr. Harvey, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have concurred in the following resolution of the House, viz :

*Resolved*, That a committee of three be appointed on the part of the House, to act with a similar committee on the part of the Senate, to wait upon his Excellency, the Governor, and inform him that the General Assembly have been in session the length of time fixed by the constitution, and are about to adjourn *sine die*, unless he has some further communication to make, and the Senate be informed of the adoption of this resolution.

And that Messrs. Heffren, Sage and Drew have been appointed said committee on the part of the Senate.

Mr. Claypool moved that all that part of the protest of Mr Williams of Knox presented this morning, which relates to the action of the Senate on the resolution sent by the House, in reference to the specific appropriation bill, and all that part relating to the interview of the protestants with the Governor in reference to the same, be stricken out.

Which motion was pronounced by the chair out of order.

Mr. Humphreys, from a select committee appointed to wait upon the Governor, made the following report :

Mr. SPEAKER :

The select committee appointed to wait upon the Governor have performed that duty, and beg to report that his Excellency has no further communications to make to the General Assembly now in session, but his Excellency wishes the members a pleasant journey to their homes.

D. STUDABAKER.

A. HUMPHREYS.

The Speaker adjourned the House *sine die*.

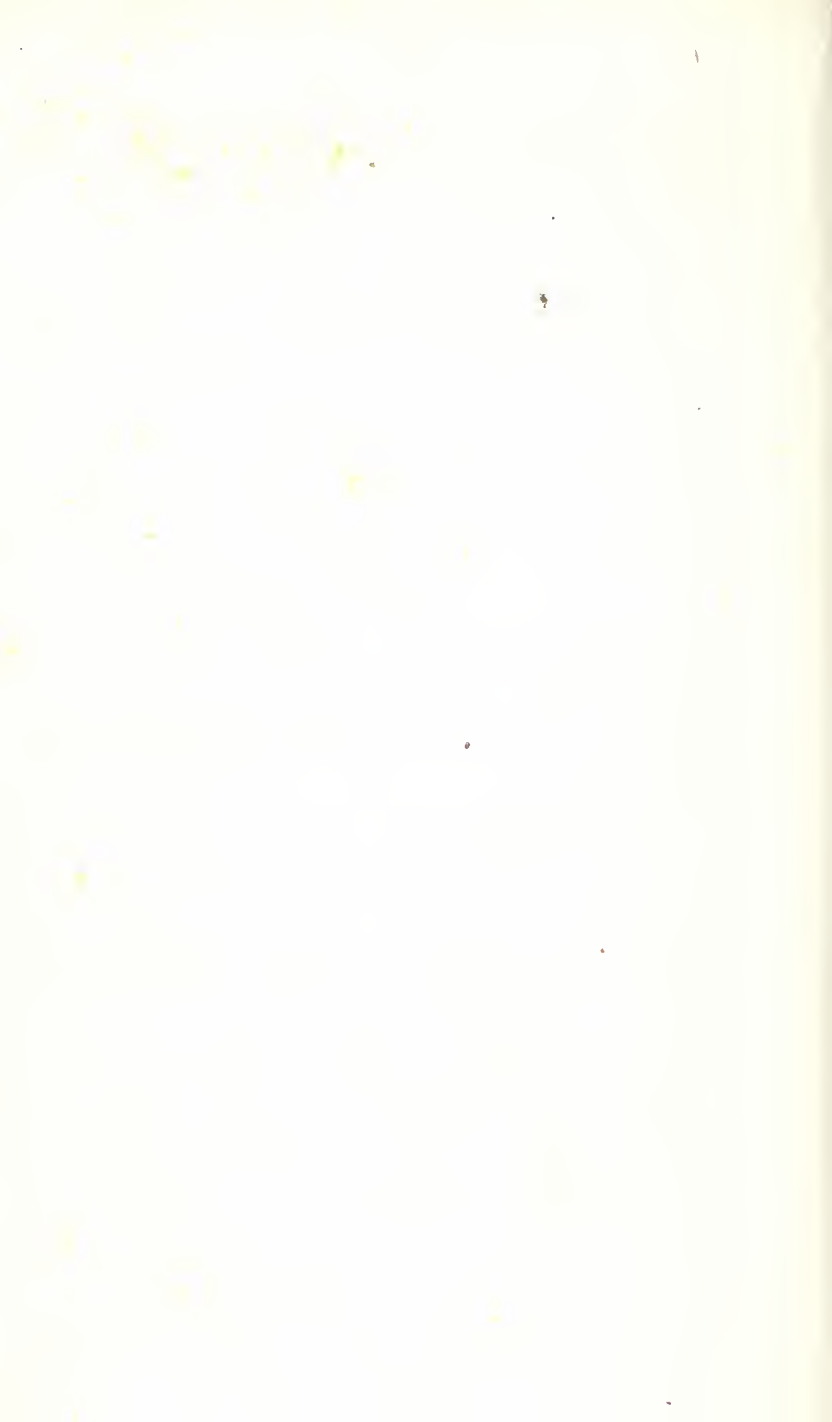
WM. R. BOWES,

*Principal Clerk.*

JAMES R. BRACKEN,

*Assistant Clerk.*





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1	An act to regulate the salary of the Governor, and to repeal all former acts relating thereto	14	14, 15, 16, 17, 42, 43, 44	44				
2	A bill ceding to the United States of America jurisdiction over certain lands.	46	46, 54, 80	80	123	145	146	Blake.
3	An act to repeal an act, approved February 10, 1853, relative to the manufacture and sale of spirituous and intoxicating liquors.	49	49, 54, 254, 237, 245, 251	253				Davis of Sullivan.
4	A bill to amend the 4th section of an act entitled "an act touching the relation of guardian and ward," approved June 9, 1852	49	49, 54, 103, 133, 145, 207	123	207		239	Humphreys.
5	An act to amend the 10th section of an act entitled "an act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties," approved June 11, 1852, and supplemental thereto.							Larue.
6	An act entitled "an act concerning interest on money."	49	49, 54, 55, 197, 216	216	658	657	679	Studabaker.
7	A bill to authorize the taking of appeals from the court of common pleas to the circuit court.	50	51, 55, 102, 123, 145, 348	350		361, 368, 400, 410		Smith of Bartholomew.
8	An act to compel railroad companies to keep an office within this State, and allowing process to be issued in any county through which any such railroad passes, and allowing railroad companies to change their route, under certain restrictions.	55	55, 78, 246			433, 506		Kerr.
9	A bill to amend section 22 of an act entitled "an act for the incorporation of insurance companies, defining their powers, and prescribing their duties," approved June 17, 1852.	55	56, 78, 159, 873, 923	924		938		Neff.
10	An act to provide for the approval of official bonds, in cases not now provided for by law.	56	56, 78, 197, 216, 255					Denby.
11	A bill to amend the second section of an act entitled "an act concerning the organization of voluntary associations, and repealing former laws in reference thereto," so as to authorize the formation of ferry companies.	56	56, 78, 358, 359, 419	419	658	657	679	Cullen.
12	A bill to regulate the action of the two Houses of the General Assembly, in all cases wherein they may be required, by the constitution or laws, to go into joint convention, and to repeal all laws and joint resolutions, and usages inconsistent with the provisions therewith.	56	56, 78, 198, 217	217	583	592	603	Kerr.
13	A bill supplemental to an act entitled "an act to exempt property from sale in certain cases," approved February 17, 1852.	56	56, 78					Gordon.
14	A bill to amend the 30th section of an act regulating the fees of officers, and repealing former acts in relation thereto, approved March 2, 1855.	57	56, 79, 163					Studabaker.
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15	An act allowing clerks and sheriffs to appoint judge of the court of common pleas.....	57	57, 79, 130, 155	155	Neff.
16	A bill repealing the fifth section of an act regulating general elections, and prescribing the duties of officers in relation thereto; approved June 7th, 1852.....	57	57, 79, 483		Dobbins.
17	A bill to provide for the valuation and assessment of the real and personal property of railroad, plank road, turnpike, slackwater navigation, telegraph, bridge, and other joint-stock companies in the State of Indiana.....	69	69, 79, 1207		Colgrove.
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19	A bill creating the fourteenth judicial circuit, and providing for the election of judge thereof.....	84	85, 99, 131, 209		Neff.
20	A bill to amend sections 142, 143, and 202 of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State;" approved June 21, 1852.....	85	85, 99, 145, 660	446	Denby.
21	An act to appraise the real estate of the State of Indiana, and to make the value of the same equal throughout the State.....	85	85, 99, 373, 374, 418, 444	446	Sherrod.
22	A bill to provide for a geological, mineralogical, and agricultural survey of the State of Indiana.....	85	85, 100, 405, 556, 584, 663		Edson.
23	An act for the removal of the old building on the Governor's Circle, in Indianapolis, and for the improvement of the same.....	86	86, 100, 421, 446, 528, 530	679	Todd.
24	An act to amend section six of an act entitled "an act touching the laying out and vacating of towns, streets, alleys, public squares and grounds, or any part thereof, the making out and recording of plats of such towns, and providing for the change of the names of such towns;" approved May 20, 1852.....	97	98, 119, 197, 217	680	
25	A bill creating the fifteenth judicial circuit, and providing for the election of a judge thereof.....	98	98, 119	680	
26	A bill to amend the 8th section of an act entitled "an act providing for the election and prescribing certain duties of county surveyors," approved June 17, 1852.....	98	98, 126, 129, 153, 159, 171	680	Kerr.
27	A bill to provide for the public printing, and for the compensation thereof.....	98	98, 130, 274, 275	661	Clapp.
28	A bill to amend the 9th section of an act approved June 18, 1852.....	98	98, 130, 129, 154		Price.
29	A bill repealing an act establishing the courts of conciliation, and prescribing rules and proceedings, and compensation for judges.....	98	98, 130, 306		Meyer.
30	A bill to amend the 3d section of an act entitled "an act to provide for the election, and prescribing certain duties of recorder,".....	98	98, 139, 131, 154		Duncan.
31	A bill for the relief of willows.....	98	98, 131, 128		Neff.
32	A bill to regulate the sale of property on execution or order of sale, upon debts hereafter contracted.....	99	99, 131, 128		Lewis.
33	A bill to amend the 94th and 95th sections of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.....	103	104, 121, 135, 219		Harrison.
					Whitcomb.
					Larne.

# BILLS OF THE HOUSE — Continued.

1248

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed House.	Passed Senate.	Other proceedings.	Approved.	By whom introduced.
34	A bill to authorize the issuing of execution in certain cases.....	104	104, 121, 144					Conner of Wabash.
35	A bill amending the first section of an act providing for the election and prescribing certain duties of county surveyor, approved June 17, 1854.....	104	104, 121, 523, 602, 944					Dobins
36	A bill to amend the act for the incorporation of cities, approved June 18, 1852.....	104	104, 122					Hayden.
37	A bill creating the 15th circuit, and providing for the election of judge and prosecutor thereof.....	104	104, 122, 276, 1154					McFarland.
38	A bill to amend the 10th section of an act entitled "an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases, approved June 9, 1852.....	110	110, 141, 196					Chapman.
39	A bill for the better protection of landlords, and to facilitate the renting of lands to tenants.....	113	113, 142, 196, 219, 335, 968 [996, 1123, 1155]	1155				Carnahan.
40	A bill to amend the 5th and 6th sections of an act entitled an act to exempt property from sale in certain cases.....	114	114, 142, 868					Kerr.
41	A bill to repeal the 36th and 37th sections of an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing for the compensation of the judge thereof," approved May 14, 1852.....	114	114, 142					Grose.
42	A bill relative to the salaries of public officers appropriation, and providing the manner of paying the same.....	114	114, 142, 504, 652, 847					McFarland.
43	A bill to authorize railroad companies to surrender their franchises, pay their liabilities, divide the assets and dissolve the corporation.....	114	114, 142, 737, 748					Wiley.
44	A bill to regulate the publication of county, township or any other business requiring publication by county officers or administrators, &c.....	114	114, 143, 611					Wallace.
45	A bill regulating fees and costs of county clerks, sheriffs, coroners, prosecuting attorneys, justices of the peace, constables and witnesses in certain criminal cases.....	114	114, 143, 866					Ward.
46	An act for the improvement of agriculture, and to enable persons owning swamp or overflowed lands, to drain the same.....	114	114, 143, 610, 657, 671, 687 [726]	727	1009	1051, 1071		Price.
47	A bill to amend section one of act entitled an act to prevent property from sale in certain cases.....	114	115, 143					Bethell.
48	A bill to amend sections 9 and 50 of an act entitled an act for the incorporation of cities, approved June 18, 1852.....	129	130, 140, 403, 446, 538					McFarland.

49	A bill to amend an act entitled an act touching gaming contracts, approved June 11, 1852	139	139, 152, 177, 1123	Smith of Barth'mew
50	A bill to amend the 4th section of an act entitled an act to regulate the tolls of grist mills, and prescribing certain duties of millers	139	139, 152, 197	Grose.
51	An act to provide for and regulate inspection of tobacco throughout the State of Indiana	139	139, 152, 262, 337, 346	Denby.
52	An act to amend the 31st section of an act entitled "an act dividing the State into counties, defining the jurisdiction of such as border on the Ohio and Wabash rivers," so as to rectify an error in the boundaries of Harrison county	139	140, 152, 502, 537, 568	Douglass.
53	A bill repealing sections 72, 74, 76 and 85 of an act entitled "an act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith," approved June 14, 1852.	141	141, 152, 180	Neff.
54	A bill for the more uniform mode of doing township business, and to repeal all other acts in conflict with the same	148	149, 162	Dobbins.
55	A bill to prevent the circulation of an unauthorized currency	159	159, 183, 585, 591, 593, 650	Davis of Sullivan.
56	A bill to provide for the protection of wild game, defining the time within which the same may be taken and killed, and declaring the penalty for the violation of this act	160	160, 183, 256, 340, 358, 364	Davis of Sullivan.
57	An act to legalize the acknowledgment of all deeds, mortgages, and other instruments required to be recorded, taken and certified by justices of the peace, to whom commissions have been regularly issued by mistake, before the expiration of the term of office of their predecessors	160	[435, 495, 505, 669]	Shoulders.
58	A bill fixing the salary of prosecuting attorneys of the several judicial circuits, and repealing all laws inconsistent with the provisions of this act	161	161, 183, 461	Conner of Wabash.
59	An act legalizing the acknowledgment of all deeds, mortgages, and other instruments required to be recorded, taken and certified by the clerks of the circuit courts of this State, after the reception of the Revised Statutes of 1852, in their respective counties	161	162, 184, 206, 207, 595	Denby.
60	A bill to amend the 5th section of an act entitled an act providing for an organization of circuit courts, the election of judges thereof, and defining their powers and duties	162	162, 184	Ward.
61	A bill to amend an act entitled an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof in accordance with the construction of said grant, and to add an additional section thereto, approved May 9th, 1852	162	162, 184	Williams of Knox.
62	A bill to amend section 9 of an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases, approved June 9th, 1852, and to extend their jurisdiction	162	162, 184, 359, 604	Bowman.
63	A bill to amend section 5 of an act entitled an act prescribing the powers and duties of justices of the peace in State prosecutions, approved May 29, 1852	162	162, 184, 338	Robbins.
64	A bill to provide for the redemption of the circulation of the Gramercy bank and the Shawnee bank, by receiving the same for all dues to the State of Indiana	167	167, 184	Mercer.

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed House.	Passed Senate.	Other proceedings.	Approved.	By whom introduced.
65	A bill reorganizing and changing the boundaries of the third judicial circuit of this State, providing for the appointment and election of prosecuting attorney therein, and fixing the time of holding the several circuit courts therein.....	173	173, 185					
66	An act for the investment and safe-keeping of the school fund arising from the 114th section of an act establishing a State Bank, approved January 28, 1834, and for the election of Sinking Fund Commissioners, and pre-settling their duties .....	173	[688, 748, 792, 859, 880 173, 185, 408, 413, 625, 687]	880				Williams of Knox.
67	A bill to amend the 13th section of an act entitled an act to amend an act to authorize and regulate the business of general banking .....	173	173, 185, 193					Stadabaker.
68	An act to amend section 136 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases, in the courts of this State; to abolish distinct forms of actions at law, and to provide for the administration of justice, in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1832.....	174	174, 185, 464, 517, 559, 621	652				Conduitt.
69	A bill creating the ——— judicial circuit of the State of Indiana, fixing the time of holding circuit courts in the several counties thereof, providing for the prosecution of the pleas of the State therein, and the appointment and election of a judge for the same .....	174	174, 185					Robbins.
70	An act to amend the 6th, 7th, 19th and 20th sections of an act entitled "an act regulating the granting of divorces, nullification of marriages and decrees, and orders of court incident thereto," approved May 13, 1852.....	178	178, 201, 231, 886	932	937	837		Denby.
71	A bill to change and fix the time for holding the several circuit courts in the third judicial circuit.....	181	181, 203, 835	836				Conner of Wabash.
72	A bill providing for appropriations by the county commissioners, for fire engines in certain cases .....	181	181, 203, 235, 237, 253					Dobbins.
73	A bill to authorize the Treasurer and Auditor of State to settle with and credit Henry R. Rowen with certain sums of money deposited in the Wabash Valley bank, as also checks drawn on the same .....	182	182, 203, 850, 870, 919					Ward.
74	A bill to amend sections 15 and 18 of an act entitled an act to provide for the opening, vacating and change of highways; approved June 17, 1852, and to repeal so much of said act as gives jurisdiction over highways to township trustees .....	182	182, 203, 259, 946, 1160					Reese.  Humphreys.

75	An act to amend the 23d section of an act entitled "An act concerning trespassing animals and partition fences,"	182	182, 203, 239, 358, 365, 377	378	1009	1022	1022	Colgrove.
76	An act to authorize the board of county commissioners to allow a compensation to circuit judges, or other persons duly authorized, for holding adjourned or special sessions of their court, and to give a speedy public trial to all persons who may be charged with felony in this State, and imprisoned therefor in the county jail.....	182	182, 204, 914	915				Denby.
77	A bill to amend the 1st section of an act, entitled "An act to incorporate the Cannelton Paper Mill;" approved Feb. 18 1848, so as to give power to Manufacture other articles, and changing the names of the corporators.....	182	182, 204, 366, 373, 423	423	679	423, 729	729	Kerr.
78	A bill to provide for the sale of the lot on which the Treasurer's office is situated, and for the application of the proceeds to the erection of offices for the use of the State officers, and to provide for the erection of the same.....	182	182, 204, 208					Todd.
79	A bill prescribing the mode under which foreign insurance companies shall transact business in this State, and subjecting them to taxation.....	183	183, 204					Gordon.
80	A bill prescribing punishment for running trains or locomotives across other railroads without stopping, and to punish carelessness and accidents in crossing.	187	187, 205, 402, 446, 529	529	839	840	863	Walpole.
81	An act to amend an act, entitled, "An act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852.....	188	188, 205, 232	232	658	657	678	Smith.
82	A bill to repeal an act entitled "An act to amend an act to authorize the business of general banking, passed March 3, 1855, and the act to which the same was an amendment," approved May 28, 1852.....	200	200, 214					Marvin.
83	A bill to more particularly define the boundary line between the counties of Gibson and Warlick.....	200	200, 214, 1067					Trippett.
84	An act to amend the 31st section of an act for the incorporation of cities, defining their powers, providing for the election of officers thereof, and declaring their duties, approved June 11, 1852; also to amend the 45th and 48th sections of said act.....	200	200, 214, 261, 337, 346	347	746	747, 838, 955, 977 [1068, 1051]	1124	McFarland.
85	A bill to amend the 6th section of an act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto, passed and approved May 13, 1852.....	201	201, 215, 520, 656					Lane.
86	A bill to repeal an act entitled an act to empower railroad companies to receive lands, lots, and other property, in subscription of stock, approved Jan. 20, 1852.....	201	201, 215, 404					Gordon.
87	An act to provide for greater security of the funds of the State entrusted to the management of the Agent of State, prescribing certain additional duties for the Auditor and Agent of State, and imposing certain penalties for the neglect thereof.....	206	206, 215, 462, 680, 798	799				Humphreys.
88	An act for the incorporation and continuance of building, loan and savings associations.....	207	207, 215, 403, 446, 531, 622	623	1009	1051	1124	Smith of B.
89	A bill to provide for the safe keeping, transfer and disbursement of the public revenue, trust funds, bonds and securities in the hands of the public officers of State.....	207	207, 215					Blake.
90	An act entitled "An act to amend the first section of an act prescribing the powers and duties of Auditor of State.".....	209	209, 223, 503, 537, 568	569				Seidabaker.
91	A bill to amend the 3d section of an act entitled "An act authorizing recorders to make out 4th sections of an act entitled "An act authorizing recorders to make out complete or general indexes to records of deeds and mortgages, and to procure and use seals," approved Feb. 14, 1855.....	210	210, 233, 686					Colgrove.



# BILLS OF THE HOUSE.—Continued.

1252

Number.	TITLES	Introduced.	Proceedings thereon.	Passed House.	Passed Senate.	Other Proceedings.	Approved.	By whom Introduced.
92	A bill to amend sections 5 and 21 of an act entitled an act regulating general elections, and prescribing the duties of officers in relation thereto, approved June 7, 1852, and supplemental thereto.....	214	214, 233, 604					Conduitt.
93	A bill to amend section 35 of an act entitled an act to simplify and abridge the rules, practice, pleadings, and forms, in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity; approved June 18, 1852.....	214	214, 233, 499					Neff.
94	A bill to provide for the relief of H. E. Talbot, and to prevent the transfer of certain bonds therein named, and to authorize the issuing of other bonds in certain contingencies therein named.....	221	221, 233, 464					Grose.
95	An act to provide for the safe keeping of the public money, and of bonds, and other securities entrusted to the care of certain officers.....	223	224, 242, 255, 276, 340, 384	355		385		Steele.
96	A bill forbidding persons holding office in any other banking institution, to hold office, or to discharge the duties of any office or appointment in the State bank of Indiana, or in any of its branches, and prescribing the penalty for violating the provisions of the same.....	226	226, 236, 242, 685, 732, 733					Lane.
97	A bill to amend the 3d and 11th sections of an act providing for the election and prescribing certain duties of county surveyors.....	227	227, 242, 526					Gordon.
98	An act to empower railroad companies organized under the general laws of the State, to surrender their franchises, pay off their liabilities, and dissolve their corporations.....	227	227, 737, 740, 813, 978	978				Steele.
99	A bill to prevent the making, issuing or circulating of fraudulent bank notes, bills, and other instruments as money, to suppress fraudulent banking, and to declare and create a personal liability against all persons engaged, or who may be engaged therein, and for other purposes.....	228	[557, 600, 601, 649 228, 242, 416, 446, 532, 532					Lane.
100	An act to amend sections 1 and 6 of an act entitled "an act in relation to applying certain funds therein named, to the payment of the public debt," approved June 18, 1852.....	228	228, 243, 546, 584					Ricketts.
101	A bill to amend the 2d section of article second of the constitution of the State of Indiana.....	228	228, 243, 502, 537, 594, 1019	1019				Smith of B.
102	A bill supplemental to an act entitled an act regulating the fees of officers, and repealing former acts in relation thereto, approved March 2, 1855.....	228	228, 243, 381					Colgrove.

103	A bill requiring the clerks of circuit courts to keep a public record of mon- eys paid into their office, and specifying the duties of former clerks in re- lation to moneys now in their hands belonging to said office.....	228	228, 243, 449, 546, 584	[602, 885		Lane.
104	A bill to repeal section 10 of an act, entitled "An act to establish courts of conciliation, to prescribe rules and proceedings therein, and compensation of judges thereof;" approved June 11, 1852.....	229	229, 243, 267, 373, 432	433		McFarland.
105	An act to provide for the sale of school lands in cases therein mentioned....	229	229, 243, 545, 571, 584	571		Clapp.
106	An act to provide for the distribution of the German edition of the revised Statutes of 1852, among the several counties of the State.....	229	229, 244, 249, 253	254		Gordon.
107	A bill requiring railroad companies within this State to provide suitable and convenient station houses for the accommodation of travellers.....	229	229, 244, 867			Marvin.
108	An act authorizing the appointment of special administrators and prescribing their duties in certain cases.....	236	236, 244, 249, 254	254	658	Gordon.
109	An act to amend the 25th section of an act, entitled "An act regulating de- scents, and the apportionment of estates;" approved May 14, 1852.....	240	240, 270, 484, 518, 560			Gordon.
110	A bill to provide for the more uniform mode of doing township business, and to repeal former laws in reference thereto.....	240	240, 270			Boyd.
111	A bill to provide for the annexation of incorporated towns, to incorporated cities, and for the consolidation or union of incorporated towns and incor- porated cities.....	241	241, 270, 337, 347	347	553	Denby.
112	A bill more effectually to protect the holders of the notes or bills of banking institutions, and providing penalties in cases of failures of banks.....	241	241, 270, 382			Branson.
113	A bill providing that land delinquent for taxes, be forfeited to the State and made school lands; instead of being sold for taxes to speculators.....	241	241, 274, 462			McKinney.
114	A bill to provide for the construction of a furnace and the necessary apparatus for the heating of the State House.....	241	241, 271			Wagner.
115	An act declaring what a seal is in contemplation of law, requiring deeds of conveyance to be sealed, and declaring the meaning of such laws.....	241	241, 271, 452, 453, 518, 561	561	838, 949	Douglass.
116	A bill to require county treasurers to collect from the clerks of the circuit courts and justices of the peace, in their respective counties, all unclaimed fines and fees.....	241	241, 271, 484			Douglass.
117	An act to amend the 9th section of an act, entitled "An act regulating the fees of officers, and repealing former acts in relation thereto;" approved March 2, 1855.....	241	241, 271, 411, 446, 531	532	532	Schermerhorn.
118	An act to enable the common councils of the several incorporated cities of the State, to prescribe by ordinance, the time within which the annual as- sessment for city purposes, shall be made, and the rolls thereof returned, and the time within which the city tax rolls or duplicates shall be made and delivered to the collecting officers, and, also, the time within which such collecting officers shall make their returns.....	242	242, 271, 521, 561, 570	571	1185	Denby.
119	A bill regulating the fees of county auditors.....	242	242, 272, 504, 537, 569, 652			Sherrod.
120	An act to repeal the 13th and 20th sections of an act, entitled "An act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof;" approved May 14, 1852, and also to authorize and regulate the taking of appeals from the courts of common pleas.....	247	247, 272, 337, 361	362		Kerr.
121	An act to change the time when the State Superintendent of Public Instruc- tion shall enter upon the duties of his office.....	248	248, 272, 337, 362	362		Wagner.

# BILLS OF THE HOUSE.—Continued.

1254

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed House.	Passed Senate.	Other Proceedings.	Approved.	By whom introduced.
122	An act to amend the 49th section of an act, entitled "An act to provide for the opening, vacating and change of highways;" approved June 17, 1852.	250	250, 272, 613, 637, 676	672				Wallace.
123	A bill to amend the 3d and 9th sections of the 4th article of the constitution of the State of Indiana.	250	250, 272, 542, 551, 653, 741, 775, 797					Blake.
124	A bill to amend the 23d section of an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State; approved June 21, 1852.	250	250, 272, 339, 358, 367, 388, 520, 530, 542					Williams, of K.
125	An act to vest certain rights in married women, whose husbands have left the State without making suitable provisions for their maintenance, or whose husbands are confined in the State Prison.	248	248, 272, 337, 362	303	835	835, 1021	1022	Denby.
126	A bill repealing section 7 of an act entitled an act distriking the State for judicial circuits; approved June 17, 1852.	250	250, 272					Neff.
127	A bill making the records of marks and brands evidence in civil cases.	249	249, 273, 337, 363					Denby.
128	A bill to cure defective sales made by executors or administrators, where the heirs have been notified by publication or summons.	251	251, 273, 337, 358, 371	372	638	637	679	Denby.
129	An act to provide for the government and discipline of the State Prison, and to repeal "An act to provide for the government and discipline of the State Prison;" approved March 3, 1852, and all other laws, or parts of laws inconsistent herewith.	251	251, 276, 420, 446, 533, 542, 554	554	1009	1051	1124	Kerr. Wagner.
130	A bill to create the ——— judicial circuit of the State of Indiana.	269	269, 334, 1135					Lane.
131	A bill authorizing the board of trustees of the several townships in the State to condemn and hold lots and lands for the erection of school houses, prescribing the mode of condemnation, and matters properly connected therewith.	269	269, 345, 358, 386					Marvin.
132	An act to amend an act, entitled "An act declaratory of the law of marriages, and enforcing the provisions thereof by proper penalties;" approved March 5, 1852.	269	269, 345, 358, 359, 419	420	769	770, 813	840	Smith, of B.
133	A bill to prescribe the mode of selecting petit jurors in the courts of common pleas, and repealing of all laws contravening the provisions of this act.	269	269, 345, 358, 378					

134	An act to amend the 1st section of an act, entitled "An act providing for the incorporation of bridge companies," approved March 9, 1852, so as to authorize bridge companies to construct embankments across low bottoms, and receive tolls.....	269	269, 345, 520, 561, 572, 591, 599	610	1084	1123	1141	Blake. Hayden.
135	A bill to amend justice's act.....	269	269, 345, 613					Blake.
136	A bill to declare the estate of payment to heirs, legatees and distributees, of their shares of the estate of persons deceased.....	269	269, 345, 866, 1054					Neal.
137	A bill to further public justice, by making some changes in the law governing the trial in criminal cases.....	269	269, 345, 501					Conner, of W.
138	An act to authorize the issuing of executions in certain cases.....	337	337, 369, 373, 439, 526	527				McFarland.
139	A bill authorizing certain railroad companies to surrender their charters, and wind up, and settle the affairs of their corporation.....	343	343, 370, 737, 751					McFarland.
140	A bill prescribing the duties of railroad companies at the places of crossing their roads, and prescribing penalties for the violation thereof.....	343	343, 370, 775					McFarland.
141	A bill to authorize railroad companies constructing roads, to amend their articles of association, and abandoning any distinct subdivision of their road, in certain cases.....	344	344, 370					McFarland.
142	A bill relative to the remedy of creditors of corporations.....	344	344, 370, 403, 685					McFarland.
143	A bill to amend section 2 of chapter 72 of the revised statutes of 1852, of an act entitled "An act touching the qualifications of officers of municipal incorporations, and also the qualifications of electors at municipal elections, and repealing all laws inconsistent with this act," approved June 10, 1852, so as to require a residence of ten days in the ward district where an elector may offer to vote.....	344	344, 370, 373, 439, 528	440				Denby.
144	A bill regarding the retailing of spirituous and intoxicating liquors, and to prevent the evils arising therefrom.....	344	344, 370					Dobbins.
145	A bill to enable agricultural societies to hold real estate, and to provide for the manner of holding the title thereto.....	344	344, 371					McDonald, of L.
146	A bill fixing the time of holding courts in the ninth judicial circuit, and the length of terms of said courts.....	344	344, 371, 999					McDonald, of L.
147	A bill to amend the fifteenth section of an act for the more uniform mode of doing township business, approved May 6, 1852.....	361	361, 371, 775					Conner, of W.
148	An act to amend the 1st section of an act, entitled "An act concerning licenses to vend foreign merchandize, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show and legendein;" approved June 15, 1852, and for the encouragement of agriculture.....	361	361, 371, 382, 397, 442, 553, 564	665	1134	1134, 1182	1202	Williamson.
149	A bill to amend an act in relation to the taxation of lands in towns and cities, approved June 18, 1852.....	361	361, 371, 373, 440, 520					Hayden.
150	An act to regulate the business of insurance companies not incorporated by the State of Indiana, to punish violations of its provisions, and to repeal all previous enactments in regard to such companies.....	368	368, 422, 500, 537, 596, 689	689				Claypool.
151	A bill to prescribe the terms upon which insurance companies, not organized in this State, may transact business in the State of Indiana, to provide for the security of policy holders of such companies, to provide the mode and manner of bringing suit against the same, and to affix penalties for the violations of the provisions of this act, and repealing all laws in conflict therewith.....	368	369, 422, 520					McFarland.
152	An act to fix the time for holding the circuit courts in the first judicial circuit, and repealing all laws to conflict therewith.....	369	369, 422, 452, 516, 535	536	658	657	679	Vawter.

Number.	TITLE.	Introduced.	Proceedings thereon.	Passed House.	Passed Senate.	Other Proceedings.	Approved.	By whom introduced.
153	An act to amend "An act regulating the fees of officers, and repealing all former acts in relation thereto," approved March 2, 1855.....	369	369, 422, 452, 518, 556	556	658	657	679	Cullen.
154	A bill to refund money paid on sale of land for taxes.....	369	369, 422, 446, 534, 593, 620					Hayden.
155	A bill repealing section 7 of article 41, chapter 1, volume 2 revised statutes of Indiana of 1852, and enacting a substitute.....	369	369, 422, 937	672				McFarland.
156	A bill for the relief of John M. Shiry.....	369	369, 422, 606, 657, 672					Smith, of D.
157	A bill to amend the three hundred and fifty-eighth section of an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852.....	375	375, 440, 461					Studabaker.
158	A bill to authorize any party, against whom judgment may have been heretofore rendered on demurrer, in any circuit court or court of common pleas of this State, to except such judgment, and have his exceptions entered on record and the judgment reviewed in the supreme Court, in like manner as if such exceptions had been taken and entered of record at the time of the rendition of the judgment.....	375	375, 441, 521					Denby.
159	A bill making prosecuting witnesses and other persons, liable for costs in certain State prosecutions.....	375	375, 441, 463					Neff.
160	An act to provide for the support of the indigent blind, and other infirm persons.....	383	383, 441, 448, 550	551	1009	1022	1023	Moore.
161	A bill to regulate voting by the stockholders of moneyed corporations.....	386	386, 441, 604, 680, 1159					McFarland.
162	A bill for the creation of townships, election of trustees, duties of trustees, and mode of assessing township tax and doing township business.....	386	386, 442, 651, 680, 736, 788, 857, 882, 883	884				Blake.
163	A bill to amend section 22 of an act entitled "An act regulating general elections, and prescribing the duties of officers in relation thereto," approved June 7, 1852.....	386	386, 442, 542					Wright.
164	A bill to exempt from taxation private property and buildings used exclusively for educational purposes.....	386	386, 442, 736, 813, 1162					Williams, of L.
165	An act to amend section 2 of an act, entitled "An act to change the time of holding courts in the eleventh judicial circuit".....	387	387, 418, 448	419	583	584	603	Humphreys.
166	An act to legalize the acts of the board of trustees of the town of Mishawaka.	412	412, 443, 418, 551	551	658	657	676	Merrifield.
167	An act to apportion Senators and Representatives for the State of Indiana....	415	415, 511, 625, 675, 680, 769	769				

168	A bill to reorganize the fifth, ninth, tenth, eleventh and twelfth judicial circuits, and to fix the time of holding circuit courts therein.....	416	416, 443, 1053	Gordon.
169	An act to amend an act, entitled "An act to provide for the erection and repair of bridges," and to repeal an act, entitled "An act to provide for the erection and repair of bridges;" approved March 3, 1855.....	417	417, 443, 452, 518, 557	Wallace. 1023
170	A bill to amend section first of an act entitled "An act for the regulation of weights and measures;" approved February 28, 1855.....	417	417, 443, 546	Bethel.
171	A bill to amend section six of an act entitled "An act touching the laying out and vacating town, streets, alleys, public squares and grounds, or any part thereof; the making out and recording of plats of such towns and providing for the change of the names of such towns;".....	417	417, 443, 448, 551	Clapp.
172	A bill to regulate and determine the fees of judges, in writs of habeas corpus, infonctions, and restraining orders in the vacation of courts.....	417	417, 444, 1033, 1123, 1184	Stillwell.
173	A bill to authorize the Auditor of State to sell the houses, brick and materials now on the Governor's estate, and requiring the purchaser to remove the same.....	417	417, 444	Walpole.
174	A bill to amend an act entitled "An act providing for the election or appointment of supervisors of highways, and prescribing certain duties, and those of county and township officers in relation thereto;".....	417	417, 451, 518, 558	Smith, of B.
175	A bill proposing to amend the 21 section of article 2 of the constitution of the State of Indiana.....	424	424, 535, 607, 657, 851	Wallace.
176	An act to repeal an act to incorporate the town of Vernon.....	424	424, 535, 561, 569	Vawter.
177	An act to authorize the empanelling of petit jurors in the court of common pleas, and to repeal an act therein named.....	429	429, 535, 507, 657, 672	Kerr.
178	An act to prevent emigration from any other into this State, or from one county or township in this State to another county or township in this State, for the purpose of influencing or carrying the election in such other county or township, and prescribing penalty against persons aiding, abetting, counselling or engaged therein.....	429	429, 535, 556, 591, 654	Studabaker.
179	An act to equalize the salaries of the judges of the supreme court.....	429	429, 535, 561, 601	Grose.
180	A bill entitled "An act for the more efficient and just mode of carrying out the provisions of the fugitive slave law;".....	429	429, 535, 590	Bethel.
181	An act to amend section 321, of an act, entitled "An act to revise, simplify and abridge the rules, practice, pleadings and form in civil cases, in the courts in this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a more uniform mode of pleading and practice without distinction between law and equity;" approved June 18, 1852.....	429	429, 535, 606, 657, 853	Denby.
182	A bill to abolish the courts of common pleas, and to transfer the business thereof to the circuit courts, and also to abolish the office of district prosecuting attorney.....	429	429, 536	Early.
183	A bill to amend section 68 of an act, entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State;" approved June 17, 1852.....	430	430, 536, 561, 569	Claypool.
184	A bill to amend section 8 of "An act to provide for the election of clerks of the circuit courts, and prescribing some of their duties;" approved June 7, 1852.....	430	430, 536, 607, 657, 847, 852	Blake, [852 847,
185	A bill to relieve Nathan Rowley, of Vanderburgh county, from the consequence of certain legal proceeding had, and a judgment rendered in the			



# BILLS OF THE HOUSE.—Continued.

1258

Number.	TITLE.	Introduced.	Proceedings thereon.	Passed House.	Passed Senate.	Other Proceedings.	Approved.	By whom introduced.
186	Vanderburgh circuit court, at the September term of said court, in the year 1847, in an action wherein the State of Indiana, in the relation of Brackett Mills, school commissioner, was plaintiff, and the said Nathan Rowley, former school commissioner, and sundry other persons, his sureties as such, were defendants. . . . .	431	431, 537, 583, 591, 651	662				Danby.
187	An act to amend the second section of an act entitled "An act prescribing the duties and fixing the compensation of State Agents;" approved June 17, 1852. . . . .	441	441, 442, 518, 539	559	638	657	679	Kerr.
188	A bill to amend section 123 of an act entitled "An act for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement;" approved June 17, 1852. . . . .	447	447, 555, 685					Kerr.
189	A bill to amend the fourth section of an act entitled "An act prescribing the powers and duties of coroners;" approved May 27, 1852. . . . .	449	449, 555, 584, 600	601				Conner, of H.
190	A bill extending the provisions of chapter 80, revised statutes of 1852, being "An act authorizing the construction of plank, McAdamized, and gravel roads," and the provisions of chapter 73, of the acts of 1853, being "An act in relation to plank, McAdamized, tram and gravel road companies, to tram road companies." . . . .	451	451, 555, 570					Herod.
191	A bill supplemental to an act entitled "An act to provide for the election, fixing the compensation, and prescribing the duties of Attorney General of the State of Indiana," approved February 21, 1853. . . . .	481	482, 560, 572, 584, 674, 738					Colgrove.
192	A bill to provide for the payment of the claim of Morehead, Hall & Company, against the State of Indiana. . . . .	483	483, 560, 782, 850, 851					Blake.
193	An act to amend section 315 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings, forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a more uniform mode of pleading and practice, without distinction between law and equity." . . . . .	502	502, 572, 591, 655	655				Conner, of W.
194	A bill to designate the time and manner of electing Senators in Congress, and State officers who are chosen by the General Assembly. . . . .	513	513, 573, 685, 729, 1184					Dobbins
	A bill to amend sections 64, 65, 66, 67, 70, 71, 72 and 73 of an act entitled "An act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the							

195	election of township assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852, so as to abolish the office of township assessor, and to provide for the election of county assessors.....	513	513, 573, 731, 813, 958, 970	Smith, of B.
196	A bill defining the rights of, and providing remedy for, purchasers of the property corporate, franchises, rights, privileges, covenants, immunities and effects of the plank road, turnpike and railroad companies.....	513	513, 573, 752	Hoagland.
197	A bill to amend sections 12 and 13 of an act to organize the militia, providing for the appointment, and prescribing the duties of certain officers thereof, and for the more efficient organization of the militia.....	513	513, 573, 814, 870, 1159	Bethel.
198	A bill to compel owners of town lots to grade and pave side walks.....	513	513, 573, 624	Williamson.
199	A bill authorizing the Treasurer and Auditor of State to change the denomination of bonds issued under the law of 1-53.....	514	514, 573, 750, 755, 813, 1160	Steele.
200	An act to authorize the State of Illinois to maintain the Calumet Feeder dam, and securing the use of the waters of the Calumet river, and providing the manner of assessing damages sustained by the citizens of Indiana by the erection thereof, and regulating draining of swamp lands adjacent to the Calumet river, in the State of Indiana.....	514	514, 574, 756, 821, 869, 974	Conner, of H.
201	A bill to authorize the Governor to appoint commissioners to take acknowledgment of debts or other contracts, and depositions in foreign countries, and to amend section one of an act entitled an act authorizing the appointment, and prescribing the powers of commissioners in other States to take acknowledgments of debts and other instruments, and depositions, approved May 31, 1852.....	514	514, 574, 738, 813, 1185	Schermerhorn.
202	A bill to amend section 32, of chapter 6 of the revised statutes of 1852, being an act entitled "An act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.....	514	514, 577, 660, 819	Denby.
203	A bill to amend the first section of an act entitled an act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith, approved June 14, 1852.....	514	514, 577, 1181	Trippel.
204	A bill to amend the second section of an act entitled an act to amend the 24th, 31st, 33d and 37th section of an act entitled an act to provide for the opening, vacating and change of highways, approved June 17, 1852, approved March 3, 1853.....	514	515, 577, 871, 938	Taggart.
205	A bill in relation to subscribers to the stock of any contemplated railroad, before the formation of the corporation, the effect thereof, and how the same may be enforced.....	515	515, 577, 964, 1021, 1184	Cullen.
206	A bill to regulate the selling of spirituous or intoxicating liquors, and for the suppression of the evils arising therefrom.....	515	515, 578	Grose.
207	A bill to provide for the collection, safe keeping, transfer and disbursement of the State and county revenue.....	515	515, 578, 865, 865	Ricketts.
208	A bill to amend the title of an act concerning licenses to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet-show and legerdemain.....	515	515, 578, 620	Merrifield.
	A bill authorizing and requiring executors, administrators and guardians to give notice of the time at which they intend to make final settlement.....	515	515, 578, 683	Williamson.

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed House.	Passed Senate.	Other proceeding.	Approved.	By whom introduced.
209	A bill to amend the sixth section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and for the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852, so as to exempt certain property therein named from taxation .....	515	515, 578, 608, 657, 853	854				Kerr.
210	An act to amend the 26th section of an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing for the compensation of the judges thereof," approved May 14, 1853 .....	516	516, 578, 684, 748, 977	978	1140	1185	1302	Kerr.
211	An act authorizing the recording of patents for lands, and making such records, and copies from such records, evidence, and allowing recorders for recording the same .....	516	516, 579, 582, 587, 591, 671	671				Edson.
212	A bill to amend section one of "an act authorizing proceedings to try the right of property seized by virtue of any writ of execution or attachment, and claimed by any person other than the execution or attachment defendant," approved June 10, 1852 .....	516	516, 579, 661					Williamson.
213	An act to repeal all general laws now in force for the incorporation of cities, to prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto .....	516	516, 517, 619, 704, 938, 960	961	1142	1186	1302	Kerr.
214	A bill for the protection of farms from destruction by fire .....	523	523, 579, 737, 813, 1068	1068				Duncan.
215	A bill to amend the 91st section of an act entitled "an act to establish a bank and branches," passed March 3, 1855 .....	527	527, 579, 614, 657, 860, 955					Braunson.
216	A bill to authorize the formation of railroad corporations in certain cases, and to regulate the same .....	527	527, 579, 803					Blake.
217	A bill to amend the forty-second section of the eighth chapter of the Revised Statutes of 1852, approved May 14, 1852, and entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof" .....	527	527, 579					Conner of Walsh.
218	A bill to provide for the docketing of guardianships, the duties of clerks, and fixing the fees therefor .....	528	528, 579, 622					Merrifield.

219	A bill to provide for the repeal of the first section of the common school law, approved March 5, 1855.....	528	528, 580		David of Sullivan.
220	A bill to prohibit the issue of bank notes, for circulation, by the Bank of the State of Indiana, upon deposits, and to provide for the location of additional branches of said bank, with pending instructions.....	548	548, 580, 681, 784, 788, 790 843, 903, 987, 1017, 1021 1023, 1136		Blake.
221	An act to reduce the width of the Michigan Road, lying between Indianapolis and Logansport, from one hundred to sixty feet.....	548	548, 580, 620, 657, 861, 884	884	Marvin.
222	A bill to appropriate the sum of three hundred and fifty-four dollars and eighty-five cents, to pay the claim of the city of Evansville against the State of Indiana, for the amount paid by said city on account of arms, ammunition and provisions furnished the force called out by the Governor, to protect the works and structures of the Wabash and Erie Canal, in the month of June, 1856.....	518	548, 580, 611, 657, 961		Denby.
223	A bill for the more uniform mode of doing township business.....	548	548, 580, 818, 863		Duncan.
224	An act for the relief of persons who have borrowed money from the sinking fund of the State.....	548	548, 580, 606, 657, 727	728	Colgrove.
225	An act to provide for the distribution of the surplus copies of the Revised Statutes of 1852, printed in the German language.....	549	549, 580, 591, 655	1121	Early.
226	A bill prohibiting persons holding broken or suspended bank bills from passing the same, and prescribing the penalties therefor.....	549	549, 580, 622	656	Dobbins.
227	A bill to amend an act to authorize and limit allowances by courts and boards, and drafts upon county treasurers, approved May 27, 1852.....	549	549, 581, 614, 657, 861		Price.
228	A bill to amend the eighty-third section of an act entitled "an act making specific appropriations for the year 1855,".....	549	549, 581, 907, 938, 973		Boyd.
229	A bill to provide for the redemption of the circulating notes of the Gramercy and Shawnee banks.....	549	549, 581, 740, 755, 934		Schermerhorn.
230	A bill to amend the second section of an act entitled "an act to provide for the re-location of county seats, and for the erection of public buildings in counties, in case of such re-location," approved March 2, 1853, and to provide for the relief of property-holders in towns from which county seats may be removed.....	549	549, 581 775, 798, 963, 1045		Blake.
231	A bill to amend the first section of an act entitled "an act declaratory of the law regulating marriages, and enforcing the provisions thereof by proper penalties," approved March 3, 1852, and to define degrees of consanguinity and affinity, prohibited in marriage.....	549	549, 581, 738, 813, 1162		Carnahan.
232	A bill to amend the 23d section of an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State; approved June 21, 1852.....	550	550, 581, 591, 670		Williams of Knox.
233	A bill to authorize the county commissioners to award compensation for the services of agents employed in arresting fugitives from justice.....	550	550, 582, 683		Mercer.
234	An act supplemental to an act entitled "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof; approved March 5, 1855.....	550	550, 582, 611, 657, 991		Wagner.
235	A bill to amend the 22d section of chapter 38 of the Revised Statutes of 1852, relating to partition fences, &c.....	564	564, 590		Braunson.

# BILLS OF THE HOUSE — Continued.

1262

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed House.	Passed Senate.	Other Proceedings.	Approved.	By whom introduced.
236	A bill to provide a bank department.....	564	564, 565, 741, 854, 956					Steele.
237	A bill to regulate the sale of spirituous, vinous, malt, or intoxicating liquors.....	565	{ 565, 566, 620 677, 745, 746 747, 776, 799, 828, 863 897, 912, 919	990	1080	990, 1001, 1088 [1095]		Cullen.
238	A bill to provide for the payment of costs and expenses in criminal and civil actions on change of venue.....	566	566, 590, 684, 748 1182					Merrifield.
239	An act to repeal section 21 of an act entitled "an act for the prevention of frauds, and requiring certain contracts to be in writing, and declaring certain conveyances, assignments, contracts and mortgages void," approved June 5, 1857.....	585	585, 674, 1034	1034				Claypool.
240	An act to amend section 17 of an act entitled "an act regulating prosecutions in cases of bastardy, and providing for the support of illegitimate children," approved May 6, 1852.....	585	585, 677, 682, 759, 1057	1058				Neff.
241	An act to establish forms in criminal proceedings, and to declare valid the use of such forms hereafter.....	586	586, 677, 684, 748, 861	862				Kerr.
242	An act to enable the different counties in the State having a swamp land fund, to ascertain and use the amount thereof for the purpose of ditching the swamp lands therein.....	586	586, 797, 818, 870, 957	957	1068	1051	1154	McDonald of Lake.
243	A bill to prescribe the manner of transacting township business, and to repeal an act entitled "an act for the more uniform mode of doing township business," approved May 6, 1852.....	586	586, 593					Crowe.
244	A bill to amend section 17 of an act providing for the organization of county boards, and prescribing some of their powers and duties, approved June 17, 1852, so as to enable county commissioners to borrow twenty thousand dollars for county purposes.....	586	586, 804, 840, 1060					Crawford.
245	An act to amend the 26th section of an act entitled "an act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, so as to authorize a change of venue in certain cases.....	586	587, 804, 840, 1087	1088				Kerr.
246	An act to repeal the repealing clause of section 57 of an act entitled "an act for incorporation of insurance companies, defining their powers and prescribing their duties," approved June 17, 1852; and to revise the act incorporating the Madison Insurance Company.....	587	587, 804, 914, 938, 1045	1045	1140	1185	1186	Bramham.

247	An act supplemental to an act entitled "an act concerning county prisons," approved May 27, 1852, and to authorize the establishment of work-houses, and the confinement of certain persons therein at labor.....	587	587, 804, 885, 938, 1014	1015	Kerr.
248	A bill to amend the 7th section of an act entitled an act for the relief of the poor, approved June 9, 1852, so as to authorize boards of county commissioners to provide in certain counties for keeping the poor .....	587	588, 804, 850, 870, 1160		Douglass.
249	A bill to amend the first and third sections of an act entitled an act to provide a site, system of government, and plans for the erection of a State House of Refuge for the correction and reformation of juvenile offenders, approved March 3, 1855 .....	588	588, 804, 997, 1161		Douglass.
250	A bill to amend sections 1 and 6 of an act entitled an act for the encouragement of agriculture, approved February 17, 1852 .....	588	588, 805, 842, 876, 1183		Wagner.
251	A bill to legalize the collection of taxes made during the year 1856, in conformity with an act entitled "an act to appraise the real estate of this State, and to make the value of the same equal and uniform throughout this State;" approved Feb. 13, 1851 .....	590	590, 805, 867	868	Denby
252	A bill to authorize the common council of any city, and the trustees of any incorporated town, to prescribe by ordinance the rate of speed at which locomotives and cars may be run within the limits of such cities and incorporated towns, and designating the penalty for violating such ordinance .....	592	592, 805, 971		Walpole.
253	A bill to declare abandoned, plank roads, McAdamsized roads and public highways .....	592	592, 805, 871, 938		Wallace.
254	A bill to regulate the local fares of railroad companies, to insure the prompt transportation of local and way freights and to regulate the compensation therefor .....	592	592, 805, 944		Walpole.
255	An act to amend the 19th section of an act entitled "an act to authorize the construction of levees and drains," approved June 12, 1853 .....	592	592, 805, 1638, 1051	1029	Shuman.
256	A bill to amend the 6th section of an act entitled an act regarding estrays and articles adrift, approved June 16, 1852 .....	613	613, 805, 821		Clapp.
257	A bill to amend the first section of an act entitled an act prescribing the duties and fixing the compensation of State Agent, approved June 17th, 1852 .....	616	616, 806, 913, 965, 991 [1016, 1141]		Gordon.
258	A bill to amend section 6, and repeal sections 34 and 54 of an act passed March 3, 1855, to amend an act to authorize and regulate the business of general banking, approved May 28, 1852 .....	619	619, 793, 854		Sherrod.
259	A bill to reduce the number of township trustees, to abolish the offices of township clerk and township treasurer, to transfer part of the duties of township trustees to the board doing county business, and otherwise change the manner of doing township business.....	625	625, 736, 792, 864, 1181		Dobbins.
260	A bill to create and establish a board of trust fund commissioners, and define the rights, powers and duties thereof .....	626	626, 806		Blake.
261	A bill to provide for the increase of bonds of sinking fund commissioners.....	626	626, 866		Davis of Sullivan,
262	A bill to repeal an act entitled "an act to prevent railroad companies from changing their depots, except upon conditions therein named....."	626	626, 806		Douglass.
263	A bill declaring John O'Brien a brother of Michael O'Brien deceased, and the children of a deceased sister of Michael O'Brien deceased, heirs at law of the said Michael O'Brien deceased, and capable of inheriting his real estate in Indiana .....	626	626, 806, 840, 901	902	Larue.



# BILLS OF THE HOUSE—Continued.

1264

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed House.	Passed Senate.	Other proceedings.	Approved.	By whom introduced.
264	A bill to provide for the drainage of the swamp lands donated by the United States to the State of Indiana remaining unsold and unreclaimed in cases where the swamp land fund of any county is insufficient or unavailable for the drainage of such land.....	626	626, 725					Larue.
265	A bill to amend an act entitled an act to authorize railroad companies to consolidate their stock with the stock of other railroad companies in this, or in an adjoining State, and to connect their roads with the roads of said companies, and to authorize railroad companies to construct their roads, which they have heretofore surveyed and located and use and occupy the same when completed.....	648	648, 806, 948, 966, 1162					Early.
266	A bill concerning licenses to carry on the business of stock and exchange broker.....	648	648, 807, 942					Kerr.
267	An act to enable railroad companies to alter the line of railroads, when sufficient stock cannot be raised to complete the same according to the original design thereof.....	648	648, 807, 818, 864, 918	919	1134	1134, 1157	1186	Steele.
268	A bill to amend the second section of an act entitled an act to provide compensation to the owner of animals killed or injured by the cars, locomotives, or other carriages of any railroad company in this State, approved March 1, 1853.....	648	648, 807, 940, 1160					Ricketts.
269	A bill for the extradition of fugitives from justice.....	648	648, 807, 1207					Sherrod.
270	An act to amend section 6 of an act entitled "An act to incorporate the St. Joseph Iron Company," approved Jan. 22, 1835, and to repeal of said act sections 7, 8, 9, 10, 11 and 12; why said company will be released from the obligation to keep up and maintain a lock at their dam on the St. Joseph River at Mishawaka.....	650	650, 807, 843, 870, 920	920				Merrifield.
271	A bill to amend an act entitled "An act to incorporate the South Bend Manufacturing Company," approved December 28, 1842, so as to repeal so much of section seven of said act as requires said company to keep up and maintain a lock at the dam on the St. Joseph River.....	650	650, 807, 842, 870, 920	921				Merrifield.
272	An act to prevent market-houses from being built upon the streets of towns and cities, without the consent of the owners of the lots on such streets, and to authorize the removal of the same.....	651	651, 807, 840, 858	859	1122	1123	1141	Cullen.
273	A bill for the election of county assessors and their duties thereunto prescribed.....	651	651, 808, 873, 966					Harrison.

274	A bill to amend section 402 of article 21 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases, in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity,"....	651	651, 809, 885	1077	Whitcomb.
275	A bill to authorize the removal of any free bank to a place of greater commercial importance.....	651	651, 808, 840, 1076		Mercer.
276	A bill to establish true meridians in the several counties of this State, and to regulate land surveys thereby.....	651	651, 808, 864, 1162		Gordon.
277	A bill defining the amount of property that shall be omitted by executors and administrators in making out their inventories.....	652	652, 808, 868, 870, 1084	1084	Grove.
H. 278	A bill to increase the duties and the salaries of the judges of the supreme court.....	652	652, 808, 1027, 1123, 1184		Cullen.
J. 279	A bill to amend sections 75, 86, 93, 94, 96, 100, 123, 124, 143 and 202, and to repeal section 119 of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.....	652	653, 808, 928, 972		Moon.
280	A bill prohibiting State and county officers from taking or receiving any of the bills, notes, or issues of the new bank of the State of Indiana, in payment of taxes, or any debt or liability due the State or any county.....	653	653, 809		Branson.
281	A bill to provide for the vaccination of the children of the State.....	738	728, 809		Price.
282	A bill to amend the 48th section of the general banking law of Indiana, and to declare the meaning of said section.....	738	738, 809, 835, 863, 879	880	Steele.
283	A bill to provide for collecting and publishing agricultural, mineral and manufacturing statistics of the State.....	738	738, 809, 843, 870, 1049		Wagner.
284	An act authorizing all persons to travel upon Plank, McAdamized and Gravel roads, free from toll, in going to and returning from church or public worship on the Sabbath day.....	732	732, 809, 840, 847	847	Conner of Wabash.
285	An act to repeal an act entitled "an act authorizing Joseph Quinn and James Morrell to erect bridges," approved January 13, 1845, and also to repeal the act declaratory of, and to amend the aforesaid act, approved January 13, 1846.....	737	737, 809, 840, 1048	1049	McFarland.
286	A bill dividing the State into judicial districts, for the purpose of electing judges for the court of common pleas, and fixing the time of holding the courts of common pleas, and the length of terms thereof in the several counties of the State, and repealing all former laws in conflict with the provisions of this act.....	739	739, 809, 877, 933		Larue.
287	An act to provide for the better protection of the rights and interests of the inhabitants of the town of Clarksville, and to repeal an act therein named.....	740	740, 810, 863, 972	972	Kerr.
288	A bill to amend section seven of an act entitled "an act providing for the election of clerks of the circuit court, and prescribing some of their duties," approved June 7, 1852.....	744	744, 810, 1033		Sherrod.
289	A bill to extend further time to borrowers of the sinking fund.....	744	744, 810, 905		Gordon.
290	An act to enable the several chartered cities and incorporated towns of this State to construct water works.....	744	744, 810, 872, 938, 1020	1020	Denby.

# BILLS OF THE HOUSE.—Continued.

1266

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed House.	Passed Senate	Other Proceedings.	Approved.	By whom introduced
291	An act to amend section four of an act for the incorporation of manufacturing and mining companies, for mechanical, chemical, and building purposes, approved May 20, 1852.....	744	744, 810, 817, 870, 1063	1083				Hoagland.
292	A bill authorizing the destruction of papers returned by township assessors.	744	744, 810, 873					Conner of Wabash.
293	A bill to prevent obstructions to railroads, by hitching, driving, leading, or feeding cattle or other stock thereon, except as therein provided.....	744	744, 811, 943, 1160					Branham.
294	A bill to provide for the assessment and taxation of land and real estate belonging to railroad, plank road, or other incorporated or joint stock companies.....	744	745, 811, 816, 863, 915	916				Clapp.
295	A bill to amend section one of an act, entitled "an act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes," approved May 29, 1852.....	745	745, 811, 872, 938, 973	974				Denly.
296	A bill to authorize the record of deeds where in certain cases they have been recorded in wrong county, or transcripts thereof duly certified or proved, to be read in evidence.....	745	745, 811, 907					Crowe.
297	A bill to amend sections 50 and 138 of chapter 10 of the Revised Statutes, approved June 17, 1852.....	745	745, 811, 863, 1021, 1183					Grose.
298	A bill to amend section 37 of an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties and matters properly connected therewith, and to establish township libraries, and for the regulation thereof, approved March 5, 1853.	745	745, 811					Smith of Bartholomew.
299	An act to amend the 652th section of article 37 of an act, entitled an act to revise, simplify, and abridge, the rules, practice, pleadings and forms, in civil cases in the courts in this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity.....	749	749, 811, 897, 1035	1035				Conner of Wabash.
300	A bill to provide for a uniform mode of proceeding in cases of assignment of insolvent debtors, for the appointment of trustees, and defining their duties and powers, and providing for the distribution of the powers of insolvent estates.....	752	752, 811, 938, 991, 1102					Colgrove.
301	A bill to amend section 9 of an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof, approved March 5, 1853.	753	753, 812, 863, 1184					Laue.

302	A bill to repeal section seventy-three of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State;" approved June 21, 1852.....	754	754, 812, 954				Moore.
303	A bill authorizing the application of the property road tax on turnpike roads in certain cases.....	762	762, 812, 871				Lane.
304	A bill to amend section one of an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto, approved June 18, 1852.....	762	762, 928				Dobbins.
305	A bill to change the time of holding courts in the tenth judicial circuit, and to extend the length of the term in Allen county, and providing additional compensation to the judge thereof.....	762	762, 763	763	1144	1185	Hogland.
306	A bill to amend section 35, and to repeal sections 33, 34 and 35 of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.....	764	764, 928, 1044	1044			Schermerhorn.
307	A bill defining the duties of county auditors and treasurers, in relation to issuing and paying county orders.....	764	764, 928, 1001				Lane.
308	An act in relation to the printing, binding and distribution of the session acts, House, Senate and Documentary Journals, declaring who shall be entitled to a copy of the same, authorizing the Secretary of State to dispose of copies of acts by sale, when called for, and allowing such Secretary a compensation for superintending such printing, binding and distribution.....	764	764, 919, 935, 967, 975, 1000	1000	1122	1140	Studabaker.
309	A bill to regulate the sale of spirituous, vinous, malt, or other intoxicating liquors, to prescribe the punishment for the violation of the same, and to lessen the evils of intemperance.....	761	764, 928				Robbins.
310	A bill to amend the 749th section and 759th section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.....	764	764, 928, 939				Kerr.
311	A bill explanatory of the 15th section of an act to establish a bank with branches and amendatory thereto.....	764	764, 929, 1163				Lane.
312	A bill granting a lien upon crops of annual growth, when parties agree that such rent shall be paid in kind, which lien shall not exceed one half of such crop.....	765	765, 929				Studabaker.
313	A bill to amend the 1st section of an act concerning enclosures, trespassing animals, and partition fences, approved June 4, 1852.....	765	765, 929, 937				Boyd.
314	An act to authorize the formation of new counties, and to change county boundaries.....	655	765, 929, 943, 966, 1043	1041	1144	1182	Blake.

# BILLS OF THE HOUSE.—Continued.

1268

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed House.	Passed Senate.	Other proceedings.	Approved.	By whom introduced.
315	A bill concerning promissory notes, bills of exchange, bonds, or other instruments in writing, signed by any person who promises to pay money, or acknowledge money to be due, or to perform any stipulation therein mentioned, making the same negotiable by endorsement thereon, regulating recovery under the same, damages, charges, rate of exchange, days of grace, and other matters pertaining to the value, transfer and collection of such instrument . . . . .	765	765, 929, 939, 1042	1043				Denby.
316	A bill repealing an act to establish a bank with branches, passed March 3, 1853. . . . .	765	765, 929, 965, 979, 1184					Lane.
317	A bill to amend section 1 and 2 of an act approved February 24, 1853, an act supplemental to an act entitled "an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said act, approved May 29, 1852 . . . . .	783	783, 784					Evans.
318	A bill to amend sections 75, 93 and 94, of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real estate, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852. . . . .	791	791, 929, 953					Edson.
319	A bill to cure erroneous defects and irregularities in the organizations of railroad companies, legalizing their acts and doings, prescribing the rule to courts and juries in cases where such irregularities exist, providing for the withdrawal of the original articles of association when necessary to be used in the collection of subscription to stock, and prescribing the rules of practice as to the production of such original articles in court . . . . .	792	792, 930, 964, 1021, 1080	1082		(1143, 1144 1139, 1140, 1141		Cullen.
320	An act providing for transfers of scholarships in the Indiana University, for valuable consideration . . . . .	793	793, 916	916	1121		1186	Abel.
321	A bill to regulate the sale of spirituous and intoxicating liquors . . . . .	796	796, 930					Jeffers.
322	A bill to authorize the lessees of any railroad or railroad company in the State of Indiana, to organize under an act establishing general provisions respecting corporations, approved June 15, 1852. . . . .	797	797, 930, 942					Cullen.
323	A bill to authorize the empanneling of petit jurors in the circuit court, and to repeal an act therein named. . . . .	798	798, 930, 996, 1021					Abel.

324	A bill to supply the several counties in this State with twenty-five copies each of the acts of the General Assembly of 1855.....	816	816, 930, 966, 1182		Marvin.
325	A bill to amend the first section of an act entitled an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State, approved June 21, 1852, so as to authorize the board of commissioners of the several counties of the State to assess poll taxes for county expenditures, and to legalize the action of the commissioners, auditors and treasurers of the several counties in the State, where poll taxes have been assessed, levied and collected heretofore.....	826 846	828, 930, 967, 1184 846, 847, 893	893	Kerr. Sherrod.
326	A bill to raise a revenue for State purposes for the years 1857 and 1858.....	848	848, 917, 938, 967, 1182		Schermerhorn. Wagner.
327	A bill to amend sections 95, 97, and 101, of an act entitled, "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof, approved March 5, 1853.....	849	849, 931, 940		Conduitt.
328	A bill to regulate the practice in the Supreme court of the State of Indiana.....	849	849, 931, 967, 1161	1161	Lane.
329	A bill to amend section 4 of an act entitled an act for the government of the Indiana Hospital for the Insane.....	870	871, 931, 1006, 1051, 1070 [1079, 1086]		Grose.
330	A bill to amend an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith; and to establish township libraries, and for the regulation thereof; approved March 5, 1853.....	876	877, 931, 967, 1162		Conner of Hamilton.
331	A bill for the protection of the people against the incompetency and recklessness on the part of practitioners of medicine and surgery, and of the apothecaries.....	894	894, 931, 967, 1082	1082	Colgrove.
332	An act to amend section two of an act entitled "an act to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant;" approved May 29, 1852, so as to make the bonds required of the county treasurers to correspond in amount with the amount of swamp lands in their respective counties, and directing the issue of deeds for swamp lands heretofore sold in counties where the treasurers have heretofore refused or neglected to file the bond now required by law..	896	896, 912	965 1022	
333	An act to authorize the Treasurer of State to buy for the State lands sold on execution, or by court, and to sell the same and execute deeds therefor, and to legalize purchases and sales already made in similar cases.....	897	897, 932, 941, 967, 1001 [1159]	913	
334	An act to prescribe the duties of county assessors in this State, so as to provide for making their lists of farm products and domestic animals, and other property, every four years, and regard to the duties of county auditors. Auditor of State in connection therewith, and to repeal all laws conflicting therewith.....	898	898, 932		Schermerhorn. Harrison.
335	A bill in relation to suits against railroad companies.....	898	898, 932, 965, 971, 1044		Schermerhorn.
336	A bill to amend an act entitled "an act in relation to an act applying certain funds therein named to the payment of the public debt," approved June 18, 1852, and for raising the rate of taxation for said purposes.....				



Number.	TITLES.	Introduced.	Proceedings thereon	Passed House.	Passed Senate.	Other Proceedings.	Approved.	By whom introduced.
337	A bill to authorize the purchase of lot 1, in square 64, in the city of Indianapolis, and the building thereon erected by the State Bank of Indiana, for the occupancy and use of the officers of State.	898	898					Blake.
338	An act supplemental to an act entitled "an act to provide against the consequences ensuing, or likely to ensue, from the destruction of books, pamphlets, papers, records, or other writings, of any county in this State, or any circuit, probate, commissioners or other inferior court of record therein, or filed with, or in the legal custody of any officer of any county in the State and to provide for the perpetuation of testimony relative to the same, and requiring new official bond to be given in cases where the bond of officers, executors and administrators, and guardians have been destroyed;" approved January 12, 1852.	899	899, 933, 967, 1015	1016				Marvin.
339	A bill to amend the first section of an act entitled "an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto;" approved June 18, 1852.	899	899, 932, 969, 1021, 1161					Conduitt. Bethel.
340	A bill for the relief of Calvin M. Williams, late treasurer of Warrick county.	925	925, 944					Shuman.
341	A bill to provide for polling the votes of a county upon a petition for the location of a county seat.	933	933, 944, 1163					Blake. Atel.
342	A bill providing for the appointment of notaries public, defining their powers and duties, and repealing former acts in relation thereto.	933	934, 944, 952					Schermerhorn.
343	A bill for the protection of fish.	934	934, 944, 968					Cullen.
344	A bill to amend section 5 of an act entitled "an act regulating the fees of officers, and repealing former acts in relation thereto;" approved March 2, 1855.	934	934, 945, 1065, 1021	1005				Cullen.
345	A bill to compel railroad companies to report their acts and doings to the Secretary of State, and providing penalties for neglect.	935	935, 945, 964, 965, 1160					Lane.
346	A bill to amend an act for the incorporation of cities.	936	936, 945, 951					Wright.
347	A bill repealing section 78 of an act defining misdemeanors, and prescribing punishment therefor, approved June 14, 1852.	936	936, 945, 951					Todd.
348	A bill for the benefit of the Ohio Falls Marine Railroad Company.	936	936, 945, 963, 1000, 1021	1008				
249	A bill to regulate the sale, and prescribing of patent and secret medicines and nostrums, and prescribing penalties for the violation of the provisions thereof.	937	937, 945					



# JOINT RESOLUTIONS OF THE HOUSE.

1272

Number.	TITLE.	Introduced.	Proceedings thereon.	Passed House.	Passed Senate.	Other Proceedings.	Approved.	By whom introduced.
1	A joint resolution declaring it unconstitutional and impolitic for the State to purchase the Wabash and Erie Canal.....	54	54, 55, 401, 446, 534	534	680	680		Denby.
2	A joint resolution in regard to burning the canceled notes of the Free Banks now in the office of the Auditor of State. ....	77	77, 82					Davis, of S.
3	A joint resolution on the subject of improving the navigation of the Ohio river.....	139	139, 152					Wright.
4	A joint resolution on the subject of the tariff.....	140	140, 153, 170	171	206	206, 207, 207	239	Merrifield.
5	A joint resolution purposing certain amendments to the constitution of the State.....	174	174, 186					Wright.
6	A joint resolution referring to the admission of Kansas as a free State.....	927	927, 241					Sherman.
7	A joint resolution in regard to the act of Congress graduating the price of public lands.....	334	334, 371, 607					Hayden.
8	A joint resolution in regard to the disposal of the funds in the hands of the sinking fund commissioners.....	352	352, 440					Lane.
9	A joint resolution in regard to the election of Chaplains to Congress.....	359	359, 441					Herod.
10	A joint resolution on the subject of the election of United States Senators..	428	428, 537, 561, 571					
11	A joint resolution relative to the distribution of arms by the general government among the States.....	432	432, 537, 562, 653	654				Humphrey.
12	A joint resolution relative to distribution of acts of 1855 to Adams county ..	588	638, 674, 741, 816					Stutabaker.
13	To provide for the printing of the premium lists of the State Board of Agriculture.....	608	668, 809, 864, 1185					Wagner.
14	A joint resolution authorizing and directing the superintendent of public instruction to furnish books to the institution for the education of the deaf and dumb.....	821	821, 932, 967, 1161					Conduitt
15	A joint resolution in regard to printing the acts of 1837 in the German language.....	846	846, 932, 957, 1046					Smith, of B.
16	A joint resolution in reference to the management of the public property of the State of Indiana, &c.....	892	862, 917	918				Kerr.
17	Joint resolution authorizing and directing the Superintendent of Public Instruction to furnish books for the Indiana Hospital for the insane.....	872	872, 932, 967, 1160					Conduitt.
18	A joint resolution on the subject of the African slave trade, and for the purpose of African colonization.....	879	879, 932, 965, 966, 1080					Lane.

19	A joint resolution authorizing the Attorney General to commence suit against Elijah Newland, former Treasurer of State, on behalf of the institution for the blind .....	923	923, 948, 1125, 1126	1126		Conduitt. Moon.
20	In regard to printing and distributing the road laws .....	935	935, 946			
21	A joint resolution for the relief of Henry P. Rowen, swamp land treasurer of Pulaski county .....	970	970, 1013	1014	1122	1141 Colgrove. Sherman.
22	A joint resolution in reference to an extra session of the Legislature .....	1049	1049, 1079			
23	A joint resolution directing the Attorney General to lay before the judges of the supreme court his report and opinions and testimony in relation to the claims of Moorehead, Hall & Co., and Wright & Bacus against the State of Indian .....	1050	1050, 1079			Lakue.

# BILLS OF THE SENATE.

1274

Number.	TITLES.	Reported from Senate.	Proceedings thereon.	Passed House.	Other proceedings.
1	An act to apportion Senators and Representatives for the next four years .....	81	81, 100, 416, 864	896	
9	An act defining embezzlement, and prescribing the punishment therefor. ....	186	187, 205, 867		
16	An act providing for the taxation of costs, in cases where lands are attached by process from the circuit courts and courts of common pleas, where the claim is less than fifty dollars .....	186	187, 205, 557	567	
22	A bill to amend the 143d section of "an act to provide for the valuation and appraisal of the real and personal property, and the collection of taxes, in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852 .....	186	187, 205, 661	567	
14	An act to provide for the approval of the official bonds of constables .....	206	206, 215, 484, 565		
4	A bill to authorize the appointment of some person to hold the common pleas court in case of the absence or sickness of the judge .....	575	575, 588, 761, 1057	1657	
13	An act to amend the 6th, 7th and 18th sections of an act entitled "an act regulating the granting of divorces, nullification of marriages, and decrees and orders of courts incident thereto," approved May 13, 1852 .....	575	575, 589, 903		
62	A bill to amend the 3d section of an act to regulate the title of all those who purchased swamp lands of the United States after the date of the donation, and before the selection of the swamp lands by the State of Indiana," approved March 5, 1855 .....	575	575, 590, 1055	1055	
38	A bill to authorize county recorders to demand their fees in advance .....	575	575, 589, 656		
65	A bill to amend sections 33 and 128 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852 .....	575	575, 590, 732, 1138		
28	A bill to enable assignees of school land certificates to obtain deeds, when the assignment has not been acknowledged .....	575	575, 589, 777, 977, 1019	1620	
36	An act to provide for a change of venue in civil cases on account of the prejudice of the presiding judge .....	576	576, 589, 682, 1055	1656	
37	A bill to amend the first section of an act entitled "an act to amend the charter of the Indianapolis and Bellefontaine Railroad company," passed January 1850 .....	576	576, 589, 754, 1137		
50	A bill to amend an act entitled "an act to incorporate the Clay Cotton Mills," approved Feb. 15, 1848 .....	576	576, 589, 914, 1132	1133	

56	A bill to provide for the relief and support of married women when deserted by their husbands, and children when deserted by their parents, by the sale of property .....	576	576, 589, 653, 1053	1057	1192
33	A bill to provide for the sale of freights shipped upon railroads, boats, and other public conveyances, or consigned to wharfingers and warehouse men, to pay the expenses of transportation and storage, and to prevent the loss of the same to the owner .....	801	801, 926, 1003	1005	
101	A bill to authorize county auditors, recorders and surveyors to re-copy maps, plats and field notes when the original copies are worn and defaced, and prescribing the duties of county commissioners in relation thereto, and to repeal an act entitled "an act to authorize county auditors to re-copy maps and plats when the original copies are worn or defaced," approved June 15th, 1852 .....	801	801, 927, 1052, 1143		
31	An act supplemental to the 9th article of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases, in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of Justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852 .....	802	302, 925, 941, 1137		
68	A bill to amend the 14th section of an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1852 .....	802	802, 926, 942, 1157	1158	
73	A bill to provide for the disposition of real estate of aliens dying, or having died intestate or testate, without heirs or devisees capable of taking such real estate by devise or descent .....	802	802, 926, 948, 1137, 1138	1132	
93	A bill to prevent betting on elections and providing punishment for the same .....	802	802, 927, 946, 1132		
72	A bill to amend the 1st section of an act entitled "an act authorizing proceedings to try the right of property seized by virtue of any writ of execution or attachment, and claimed by any person other than the executor or attachment defendant," approved June 10, 1852 .....	803	803, 926, 940, 1059, 1060		
77	A bill to amend the 6th section of an act entitled "an act establishing general provisions respecting corporations," approved June 15, 1852 .....	803	803, 926, 936, 1143	925	
58	A bill to enable men whose wives are insane to convey real estate .....	803	803, 926, 994		
51	A bill to preserve the purity of elections, and to amend section 21 of "an act regulating general elections, and prescribing the duties of officers in relation thereto," approved June 7, 1852 .....	803	803, 926, 994		
130	A bill to authorize the record of deeds, or transcripts thereof, to be read in evidence, where in certain cases they have been recorded in the adjoining county .....	803	803, 911	912	
30	A bill to enable the Governor, Auditor and Treasurer of State, with the advice of the Attorney General, to compromise actions, or causes of actions, between the State and a citizen or citizens thereof .....	837	837, 927, 943, 1054		
102	A bill to amend section 25 of "an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant," approved May 29, 1852, and also, to facilitate the ditching and draining of swamp lands, and to provide for the payment therefor, in certain cases therein mentioned .....	837	837, 900	901	964
120	A bill to enable married women whose husbands have absented themselves to exercise the rights of resident householders .....	837	837, 927, 1118	1119	
34	An act to amend the 5th section of an act entitled "an act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855 .....	1007	1008, 1084, 1055		
80	A bill to amend the 128th section of an act entitled "an act providing for the settlement of decedents estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlements," approved June 17, 1852 .....	1007	1008, 1027, 1134	1135	



# BILLS OF THE SENATE.—Continued.

1276

Number.	TITLES.	Reported from Senate.	Proceedings thereon.	Passed House.	Other proceedings.
106	A bill to amend the 22d section of an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1832.....	1007	1008, 1027, 1135	1133	
108	A bill to amend an act providing for the election and prescribing certain duties of county surveyors .....	1007	1008, 1027, 1120	1120	
136	A bill to amend the 30th section of an act entitled "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith and to establish libraries, and for the regulation thereof," ..	1008	1008, 1050, 1058	1058	
63	A bill to amend the 6th, 22d, 78th, 79th, 96th, 119th and 194th sections, and to repeal sections 99 and 73 of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852; and to provide for the assessment and taxation of banks, brokers, stock-jobbers, insurance companies, trust companies, savings institutions, gas companies, and other joint stock companies whose taxation is not specifically provided for.....	1010	1010, 1085	1085	1121
106	An act to fix the time of holding court in the county of Delaware, and to repeal acts inconsistent therewith .....	1155	1155, 1156	1157	

# JOINT RESOLUTIONS OF THE SENATE.

1277

Number.	TITLES.	Reported from Senate.	Proceedings thereon.	Passed House.	Other proceedings.
1	A joint resolution on the subject of printing the Statutes.....	576	576, 588, 1133	1133	
3	A joint resolution authorizing the Superintendent of Public Instruction to distribute the balance of the school funds in the treasury, and directing the proper officers to disburse the same and providing compensation therefor.....	576	576, 588, 752		
6	A joint resolution to authorize the Superintendent of Public Instruction to furnish to the State Prison one township library.....	802	802, 927, 1119		

# RESOLUTIONS OF THE HOUSE.

1278

## SUBJECT MATTER OF.

Subject Matter of.	Introduced	Movers' Names.	Other Proceedings.	Adopted.
To inform the Senate of the election of officers of House .....	9	Davis, of Sullivan.....		9
Authorizing the appointment of two pages.....	9	Sherrad.....		9
Granting seats within the bar of the House to reporters .....	9	Denby.....		9
Adopting the rules of the last House as Representatives .....	9	Steele.....		9
Directing the printing of rules and orders of the last session.....	10	Price.....		9
Authorizing the clerk to appoint assistants.....	10	Crowe.....		10
Directing the procurement of copies of the Revised Statutes.....	10	Studabaker.....		10
Directing the procurement of Journals of the House for 1855.....	10	Blake.....		10
Calling for copies of the rules and joint rules of last Legislature.....	10	McCre.....		10
Directing a subscription for newspapers.....	12	Denby.....	10, 11, 12	12
Directing a subscription for German newspapers.....	12	Gordon.....		
Directing the door-keeper to report the names of his assistants.....	13	Dobbins.....	13	13
Authorizing the door-keeper to act as sergeant-at-arms .....	13	Studabaker.....		13
To appoint a committee to wait on the Governor .....	13	Dobbins.....		13
To appoint a committee to wait on Rev. David Stevenson.....	13	McFarland.....		14
Adopting the joint rules of the last General Assembly.....	14	Studabaker.....		14
Directing the procurement of certain Supreme Court decisions.....	17	Kerr.....		17
Directing the purchase of postage stamps.....	17	Studabaker.....		17
To procure information concerning the expense of common pleas courts.....	17	Colgrove.....		18
Admitting all reporters to a seat within the bar.....	18	Ward.....	18	18
Inviting the Senate to hear his Excellency's message .....	18	Denby.....		18
Referring Governor's message to committee of the whole .....	41	Bethel.....		41
Ordering the printing of the Governor's message.....	41	Studabaker.....	41	42
Directing the appointment of a committee on sinking fund.....	44	Kerr.....	54	54
To go into an election for United States Senators.....	45	Marvin.....		
Directing that Leonidas Sexton be sworn as the representative from Rush.....	45	Gordon.....	45	45
Calling for information concerning outstanding bonds.....	46	Steele.....		46
To revise the joint rules of the General Assembly.....	46	Gullen.....		46
Calling for information concerning swamp lands.....	46	McDonald, of L.....		46
Directing a subscription for certain papers.....	47	Denby.....		47
To pay a small demand of a former door-keeper.....	47	Sherman.....		47
Directing additional numbers of the Governor's message to be printed.....	48	Dobbins.....	48	48
Concerning a house of refuge.....	48	McFarland.....		48
Directing 1,000 copies of Governor's message to be printed in German.....	48	Neff.....		48

Calling for copies of directions issued to swamp land commissioners.....	49	McDonald of L.....	50
Favoring a change in the mode of doing township business.....	50	Williams of K.....	52, 59
In relation to bank frauds.....	51	Merrifield.....	52, 53
Inviting the Senate into the hall of the House.....	52	Lane.....	52, 53
Amendatory of preceding resolution.....	52	Grose.....	52, 53
Concerning the administering of oaths by Supreme Judges.....	53	Blake.....	53
Comendatory of the present mode of doing township business.....	53	Colgrove.....	54
Concerning officers of the old and new state banks.....	57	Lane.....	
Inviting the Senate into the hall of the House, <i>inter</i> .....	59	Kerr.....	
To change the jurisdiction of justices of the peace.....	71	Bethel.....	71
To amend the school law.....	71	Williams of K.....	
To repeal all school laws now in force.....	71	McDaniel.....	71
To abolish the court of common pleas.....	71	Branson.....	
To repeal the charter of the bank with branches.....	71	Dobbinus.....	79
To suspend the operations of the school law.....	72	Branson.....	
To repeal the militia law.....	72	Davis of S.....	72
Calling upon the Adjutant General to report.....	72	McFarland.....	72
To print the Governor's message.....	72	Bethel.....	
To exempt machinery from taxation.....	72	Marvin.....	73
To reduce the number of common pleas districts.....	73	Donly.....	73, 74
Authorizing the standing committees to employ clerks.....	73	Ward.....	73
For the relief of certain counties.....	73	Ricketts.....	73
Directing the House to meet at two in the afternoon.....	73	Reese.....	
Reducing the dates and pay of the Superintendent of Public Instruction.....	74	Shuman.....	
Calling upon the Senate for certain information.....	74	Moon.....	74
To elect another Supreme Judge.....	74	Robbins.....	
To reduce the width of the Michigan road.....	74	Blake.....	
To re-enact the liquor law of 1853.....	74	Herod.....	
Concerning money paid on account of State prison.....	75	Edson.....	
To reduce the number of Supreme Judges to three.....	75	Merceer.....	
Concerning certain town lots in Indianapolis.....	75	Branson.....	
To abolish the township system.....	76	Smith of D.....	
To reduce the per centage to county treasurers.....	76	Elson.....	
To change the mode of doing township business.....	76	Moore.....	
Concerning the selection of jurors.....	76	Bethel.....	
Concerning bills failing on their passage.....	77	Abel.....	
Authorizing committees to employ clerks.....	86	Cullen.....	
To abolish the office of Superintendent of Public Instruction.....	85	Blake.....	
To change the assessment laws.....	86	McKinney.....	
To regulate the width of state roads.....	88	Boyd.....	
Concerning the assessment of personal property.....	89	Crawford.....	
To abolish the office of township assessor.....	89	Moore.....	
As to the expediency of repealing a certain section.....	89	Harrison.....	
To tax non-residents' lands for road purposes.....	89	Dobbinus.....	
Referring colonization matters to a select committee.....	89	Bethel.....	
Concerning jurors' fees.....	93	LaRue.....	
To amend the school law.....	94	Neal.....	
To reduce the number of township officers.....	94	McKinney.....	
	94	Wallace.....	

## SUBJECT MATTER OF.

Introduced.

Movers' Names.

Other Proceedings.

Adopted.

Regulating the width of county roads.....	94	Van Sandt.....	94
For the benefit of insolvent debtors.....	94	Wiley.....	94
Concerning the election of supervisors.....	94	Price.....	94
Concerning the location of roads.....	95	Robbins.....	95
Concerning the granting of divorces.....	95	Wiley.....	95
Concerning the printing of the Governors' messages.....	95	Edson.....	96
Concerning the pay of jurors' fees.....	96	Branson.....	96
To repeal the "levee and drain" act.....	96	Shuman.....	96
Giving to circuit courts exclusive jurisdiction in criminal actions, &c.....	96	Neff.....	96
To levy a road tax.....	97	Harrison.....	97
In relation to the liquor traffic.....	97	Dobbins.....	97
In relation to the collection of tolls.....	97	Cullen.....	97
In relation to printing in German the messages.....	97	Lane.....	97
In relation to the election of a State Librarian.....	100	Davis of S.....	100, 101
As to the sufficiency of State bonds for free banking.....	103	Davis of S.....	100, 101
Concerning swamp land frauds.....	110	Kerr.....	111
Concerning jurisdiction in assault and battery cases.....	111	Gordon.....	111
Concerning the trial of criminal causes in vacation.....	111	Blake.....	111
Authorizing the appointment of an additional assistant door keeper.....	111	Humphreys.....	111
To provide for six months free school.....	111	Austin.....	112
To punish individual hanking.....	112	Abel.....	112
Concerning payment of costs in State cases.....	112	Conner of W.....	112
To change the manner of keeping auditors' books.....	112	Crawford.....	112
In regard to the distribution of school taxes.....	112	Harrison.....	112
To increase jurors' and witnesses' fees.....	112	Wright.....	112
Concerning a repeal of the bank of the State charter.....	112	Claypool.....	112
Concerning poll tax for county purposes.....	113	Douglass.....	113
Concerning the commencement of actions before justices of the peace.....	113	Denby.....	113
To repeal the militia law.....	113	Ned.....	113
Concerning the election of supervisors.....	113	Studabaker.....	113
Changing the township assessor law.....	113	Yawter.....	113
Calling for the number and names of assistant door-keepers.....	132	McKinney.....	132
Concerning the securities of the Grumney and Shawnee banks.....	132	Blake.....	134
For the appointment of two additional committees.....	132	Kerr.....	132, 151

To change the school law.....	132	Price.....	132
For the collection and publication of agricultural statistics.....	132	Conduit.....	132
To abolish capital punishment.....	133	Targart.....	133
To inquire into the constitutionality of a certain act.....	133	Lakue.....	133
To purchase an additional library for the supreme court.....	133	Stiwell.....	133
To change the law in relation to the weight of onions.....	133	Wright.....	133
To appoint a standing committee on railroads.....	133	Ricketts.....	133
To change the exemption law.....	133	Robbins.....	133
Concerning lands and railroad stock.....	133	Williams of K.....	134
Amendatory of the resolution concerning Gramercy and Shawnee banks.....	134	Steele.....	134
To amend the city corporation act.....	134	Cullen.....	134
To repeal the free banking law.....	134	Shuman.....	134
Concerning contracts for furnishing the State with paper.....	134	Sclermerhorn.....	134
To prohibit the circulation of notes under \$10.....	135	Ayers.....	135
To amend the school law of 1855.....	135	Batterton.....	135
To amend the school law.....	135	Denby.....	135
To amend the laws relating to the collection of taxes.....	135	Moan.....	135
To adjourn over.....	135	Gorton.....	135, 136
Concerning the distribution of the school fund.....	136	Kerr.....	136
To abolish the court of common pleas.....	136	Colgrove.....	136
To regulate the temperature of the hall.....	136	Sherrod.....	137
To print 3,000 copies of insane hospital report.....	137	Wallace.....	137
Asking Auditor of State to report concerning Gramercy bank.....	137	McDonald of L.....	137
To repeal the law providing for a school tax.....	137	Marvin.....	138
Appointing committee to examine into the securities of free banks.....	138	Denby.....	138
Enlarging the committee on agriculture.....	138	Gorton.....	138
To authorize the Governor to appoint a librarian.....	138	Shuman.....	138
Pol tax for common school purposes.....	138	Ricketts.....	138
To tax non-residents for road purposes.....	138	Blake.....	139
To purchase two additional copies of the State Journal.....	139	Neal.....	139
To establish a joint committee on apportionment.....	141	Sherrod.....	141
Concerning a university square and agricultural depot.....	144	Wagner.....	144
To repeal all laws for the collection of debts.....	144	Davis of S.....	145
Concerning train roads.....	147	Lakue.....	147
Manufacture and sale of spirituous liquors.....	147	Duncan.....	147
To repeal the law allowing county officers fuel and lights.....	147	Moore.....	147
To ascertain what committees employ clerks.....	147	Carnahan.....	147
To permit parties to swear to book accounts.....	147	Croyle.....	148
To refrain from liquor legislation, &c.....	148	Robbins.....	148
To equalize the school funds in distribution.....	148	Williams of L.....	148
To regulate the distribution of the school fund.....	148	Wiley.....	148
To abolish the grand jury system.....	148	Clark.....	148
Concerning the examination of school teachers.....	148	Price.....	151, 156
To institute suit against the Auditor of State.....	151	Blake.....	151
Banks of Gramercy and Shawnee.....	151	Neal.....	151
To increase the bond of county auditors.....	154	Austin.....	154
To adjourn over.....	156	Batterton.....	156, 157
Weight of oats.....	157	Wright.....	157
State's liability for Shawnee and Gramercy leases.....	160	Davis of S.....	160



# RESOLUTIONS OF THE HOUSE—Continued.

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SUBJECT MATTER OF.	Introduced.			Movers' Names.	Other Proceedings.	Adopted.
Mileage of sheriffs in conveying convicts to prison.....	160	Crowe.....				160
Equalizing the school funds.....	160	Clapp.....				160
Increase of taxes.....	160	Stutzbaker.....			160, 207	
The registering of State bonds.....	161	Dobling.....				161
Bank depositment.....	161	Davis of Sullivan.....				161
Misapplication of swamp land fund.....	161	Crawford.....				161
Exempting from taxation school property.....	161	Williams of Langrange.....				161
Defects in deeds.....	163	Larue.....				163
The time when the Superintendent of Public Instruction shall take office.....	163	Wagner.....				163
Distribution of school fund.....	163	Clapp.....				163
Stocks for redemption of free bank circulation.....	163	Whitcomb.....				164
To adjourn over.....	164	Carnahan.....				164
Receipt and distribution of swamp land fund.....	170	Hongland.....				170
Corporation taxes.....	172	McGinnis.....				172
Mutual liability for free banks, &c.....	172	McDonald of Lake.....			172	
Restricting salaries of county treasurers and auditors.....	173	Herod.....			173	
To repeal all bank laws in the State.....	173	Marvin.....				173
Concerning township business.....	173	Royd.....				174
Abolishing township trustees.....	174	Rutchings.....				174
Restrictions around the Auditor of State.....	180	Stone.....				180
Abolishing the office of State Agent.....	180	Moore.....				180
Amendment of the weight law.....	180	Wright.....				181
Giving to recorders a lien on land.....	181	Grose.....				181
Amendment of the agricultural act.....	181	Batterson.....				181
Regulating per diem of certain county officers.....	181	Denby.....			181	
An increase of bond of Auditor of State.....	181	Neel.....				181
Punishment of officers violating the free bank law.....	182	McDonald.....				183
Winding up of certain railroad companies.....	186	Steele.....				186
Increasing the size of judicial circuits.....	188	Wallace.....				188
Arrangement of courts of common pleas.....	188	Walpole.....			188	
Prevention of liquor selling to minors.....	188	Abel.....				188
Extending the time for labor on highways.....	188	McDaniel.....				189
Appointment of trustees of benevolent institutions.....	198	McKinney.....				198
Select committee to examine free bank matters.....	198	Ricketts.....				198

To ascertain the number of employees of the House.....	198	Cornier of Walsh.....	199
A reduction of the number of senators and representatives.....	199	Harrison.....	199
Recording marks and brands.....	199	Branson.....	199
Circulation of foreign bills of small denomination.....	199	Reynolds.....	199
Rights of deserted married women.....	199	Denney.....	199
The sufficiency of serial seals.....	199	Hutchings.....	199
Increased bond of Treasurer of State.....	199	Nell.....	199
Reducing districts and increasing salaries of judges.....	200	Cullen.....	200
To dispense with township treasurers and clerks.....	200	Van Sandt.....	200
Assessment of railroad real estate.....	200	Cornier of Walsh.....	201, 224
Subscription for the "Weekly Expositor,".....	200	McFarland.....	200, 252, 263
Concurrent resolution, ordering certain printing.....	211	Carman.....	211
To adjourn over.....	211	Wright.....	211
To regulate the charges of railroads.....	211	Lane.....	211
Advertising estrays and articles adrift.....	211	Lane.....	211
Reducing the number of a coroner's jury.....	211	Hutchings.....	211
Abolishing of township trustees.....	211	Colgrove.....	211
Directory to the Doorkeeper.....	212	McDaniel.....	212
Impeachment of the Auditor of State.....	212	Branson.....	212
The taxation of school property.....	212	Wiley.....	212
An increase of salaried.....	212	Robt. H. S.....	212
Swamp land ditching, contracts, &c.....	212	Duncan.....	213
Reduction of the number of clerks to committees.....	213	Austin.....	213
Distribution of school tax.....	213	Prior.....	213
Taxing the lands of railroad companies.....	213	Bartlett.....	213
Imprisonment of State officers for violation of oaths, &c.....	213	Clark.....	213
To table resolutions pertaining to township business.....	213	Smith of B.....	213
Directing the purchase of Supreme Court decisions.....	218	Kerr.....	218
Additional compensation to certain county treasurers.....	225	Gordon.....	225
Enabling a married woman to join in a deed.....	225	Smith of Bartholomew.....	225
Calling for a list of officers and directors in State Bank of Indiana.....	225	Lane.....	225
Delivery of the mail matter of the House.....	226	Lane.....	226
Breeding a subscription for the "Expositor,".....	227	Doughlas.....	227
To adjourn over.....	227	Early.....	227
Concerning show licenses.....	235	Blake.....	235
Concerning official bonds of officers.....	239	Williamson.....	239
To make illegal voting a penitentiary offence.....	239	Lane.....	239
To abolish the court of common pleas &c.....	240	Sherrod.....	240
Withholding school fund from children under 10 years.....	240	Colgrove.....	240
Fees of county officers.....	240	Battenger.....	240
Instructions to Doorkeeper concerning mail matter.....	249	Moore.....	249
Concerning the issue of State bank paper.....	249	Wright.....	249
To amend the law of descents.....	249	Gordon.....	249
To repeal the twenty-first section of an act for the prevention of frauds, &c.....	249	Davis of Sullivan.....	249
To limit speaking to fifteen minutes on House bill No. 3.....	250	Claypool.....	250
Directing the chairman of committees to report their clerks.....	250	Ward.....	250
To provide for a bureau of statistics.....	255	Grease.....	255
Concerning the number of clerks and doorkeepers employed.....	260	Wagner.....	261
	265	Cornier of Walsh.....	265

# RESOLUTIONS OF THE HOUSE.—Continued.

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SUBJECT MATTER OF.	Introduced.	Movers' Names.		Other Proceedings.	Adopted.
To grant the use of the hall to O. S. Fowler.....	267	Price.....	267		
To amend the law in regard to supervisors.....	268	Dobbins.....	268		
To provide a committee to superintend the transfer of banking department.....	268	Humphreys.....	268		
Inviting Superintendent of Deaf and Dumb and Blind Asylums to give exhibitions.....	268	Conduitt.....			268
Calling for information in regard to the Sinking Fund.....	268	Lane.....			268
To increase the salaries of county auditors.....	268	Grose.....	268		
Concerning the safety of county auditors.....	273	Steele.....			273
Asking for information concerning banks.....	273	Moore.....	274		
Directing an allowance to Judge Lovering.....	337	Carnahan.....			338
Concerning the printing of report of Superintendent of Public Instruction.....	342	Boyd.....	342		
Directing the printing of 4,000 additional copies of said report.....	342	Lane.....			343
To increase a widow's dower in certain cases.....	360	Duncan.....			360
Concerning partnership property.....	360	Hayden.....			360
To prevent members from annoying the clerk.....	360	Davis of Sullivan.....			360
Concerning railroad tax.....	360	Sherrod.....			360
To amend the road law.....	360	Bowman.....			360
To amend the law in regard to the right of property, &c.....	360	Larue.....			360
To adjourn over.....	363	Grose.....			363
To amend the road law.....	367	Bethell.....			368
To print Washington's Farewell Address.....	367	Wright.....	368		
Directing the committee on banks to return communications.....	368	Lane.....			368
To adjourn over.....	368	Larue.....			368
Inquiring into the reduction in the valuation of real estate.....	368	Crowe.....			374
Calling for names of stockholders in the new State Bank.....	374	Carnahan.....			374
Concerning the printing of blanks for county officers.....	374	Ranson.....			374
Granting leave to judiciary committee to sit during morning sessions.....	376	Walpole.....			376
Directing the Doorkeeper to furnish stamps.....	376	Boyd.....			376
Changing the poll tax law.....	384	Dobbins.....			384
To inquire into the character of Republican protest.....	387	Blake.....	408		
Amendatory of the above resolution.....	397	Walpole.....	408, 409		
Requiring teachers to teach seven hours each day.....	410	Smith of Bartholomew.....			410
Calling back from Senate House bill No. 6.....	410	Lane.....			410
Instructing the committee on apportionment to report.....	410	Larue.....	410		
Limiting speeches to fifteen minutes.....	410	Bethell.....	411		

To provide for Normal schools .....	411	Mercer .....	411
Concerning insurance companies .....	411	Herod .....	411
Concerning subscription of real estate to railroad companies .....	412	Conner of Wabash .....	412
Allowing justices of the peace to use an official seal .....	412	Van Sandt .....	413
Changing the terms of courts of common pleas .....	413	Dobbins .....	413
Filing of claims against decedents' estates .....	413	Shuman .....	413
The introduction of a printing establishment into the Deaf and Dumb Asylum .....	428	Condit .....	428
Directing a select committee to report .....	430	Branson .....	430
Calling for information in regard to protested drafts .....	432	Davis of Sullivan .....	432
Conferring additional powers upon the election committee .....	433	Denby .....	433, 434
Conferring power to attach witnesses upon the election committee .....	436	Marvin .....	436
To go into an election for State officers .....	456	Davis of Sullivan .....	456 to 474
To dismiss an attachment issued against absentees .....	473	Blake .....	473
Directing charges to be placed upon the Journal .....	474	McDonald of Lake .....	474
Repairing the Governor's mansion .....	507	Sherrod .....	507
Receipts and expenditures of the State Board of Agriculture .....	507	Marvin .....	507
Restricting the entry of swamp lands .....	507	Price .....	507
Regulating the fees of justices of the peace .....	507	Shoulders .....	507
Allowing attaches of the House postage stamps .....	508	Humphreys .....	508
Concerning the State printing .....	508	Grose .....	509
Restricting the votes of railroad stockholders .....	510	Neff .....	511
Requesting the committee on temperance to report .....	511	Taggart .....	511
Concerning sheriffs' mileage in carrying convicts to the penitentiary .....	511	Branson .....	511
Regulating the tolls of water grist mills .....	511	Wallace .....	512
Witness fees against the judgment defendant .....	511	Wiley .....	512
A committee to revise the rules of the House .....	512	Blake .....	512
Fire proof safes for county recorders' offices .....	512	Neal .....	512
Concerning swamp lands .....	512	Evans .....	512
Dockets for justices of the peace .....	512	Neff .....	512
Swinging gates on county roads .....	513	Early .....	513
Amend the constitution in regard to representation .....	521	Neff .....	521
A committee to make inquiries of the President of the Bank of the State .....	521	Branson .....	521
Making it a penal offence for judges of elections to refuse a legal vote .....	522	Ricketts .....	522
Estays and articles adrift .....	522	Wallace .....	522
To admit Leonidas Sexton as a Representative from Rush county .....	523	Whitcomb .....	523
Concerning sales of lands mortgaged to the Sinking Fund .....	523	McFarland .....	523
Concerning repairs to the State House .....	547	Stillwell .....	547
Giving to each member of the House six copies of German Statutes .....	547	Taegart .....	547
Concerning the advertising of estrays .....	547	Herod .....	547
Concerning the allowance of a per centage to administrators .....	547	Bryan .....	547
Concerning the law regulating contested elections .....	547	Neal .....	547
Concerning the distribution of legislative documents .....	548	Jeffers .....	548
To ascertain the amount of unsold swamp lands .....	548	Price .....	548
Concerning the mailing of the printed matter of the House .....	561	Denby .....	562
To adjourn over .....	562	Sherrod .....	562
Concerning swamp lands and bonds of swamp land officers .....	562	Conner of Hamilton .....	562
Concerning a revision of the school law .....	563	Neff .....	563
Concerning colonization bequests .....	563	McFarland .....	563
To adjourn over .....	563	Marvin .....	563

SUBJECT MATTER OF.

Introduced.

Other Proceedings.

Adopted.

Calling on Clerk of Supreme Court for information	582	Hon. dual.....	582
Directing sinking fund committee to return papers.....	585	Lane.....	585
Concerning a letter of State stock.....	585	Belhel.....	585
Insulating committee on banks to report on House bill No. 53.....	585	Kerr.....	585
Calling on Clerk of Supreme Court for information.....	587	Grise.....	587
Concerning Michigan City and Laporte branches of bank.....	615	Lane.....	615
To stop Rush county fraud investigation.....	615	Nell.....	615
Tendering use of Hall to American Convention.....	615	Carman.....	615
To a joint over.....	616	Carman.....	616
Directing a committee to return House bill No. 162.....	625	Hutchings.....	625
For dividing the State into common pleas districts.....	625	Lake.....	625
To furnish postage stamps to clerks of committees.....	625	Sherrill.....	625
Concerning the safe keeping of the State funds.....	625	Conner of W.....	625
Concerning the sale of a portion of the Insane Hospital grounds.....	626	Gordon.....	626
Concerning the mortgage and redemption of swamp land witnesses.....	627	Reese.....	627
To change the law regulating the emigration of school children.....	627	Py.....	627
Directing the clerk to print a list of the acts of the session.....	627	Lanphier.....	627
Insulating the law of justices of the peace.....	627	Lafayette.....	627
To amend the law of justices of the peace.....	627	Modesitt.....	627
Calling for copies of the Attorney General's report.....	627	Smith of B.....	627
Concerning sale of lands for delinquent taxes.....	627	Mill.....	627
Concerning the law regulating savingship libraries.....	627	Ayers.....	627
To regulate the order of car-sitting bills.....	627	Ayers.....	627
Concerning State bank loan bonds.....	627	Walpole.....	627
Declining an invitation from N. W. C. University.....	627	Davis of S.....	627
Concerning disparity in loans of the sinking fund.....	627	Grise.....	627
Concerning the laws of 1855.....	627	Branson.....	627
Concerning an agricultural department to the State University.....	627	Martin.....	627
Concerning sale of district directors.....	627	Gordon.....	627
Concerning resolution granting to State Board of Agriculture the use of a room in State House.....	627	Moore.....	627
To pay the select committee appointed by the last House of Representatives.....	627	Wagner.....	627
To adjourn without day on the 25th of February.....	627	Kerr.....	627
Concerning the proceeds of the labor of penitentiary convicts.....	627	Davis of S.....	627
Tendering the use of Hall to Rev. John Young.....	627	Gordon.....	627
	627	Boyd.....	627





# RESOLUTIONS OF THE HOUSE—Continued.

SUBJECT MATTER OF.	Introduced.		Movers' Names.	Other Proceedings.	Approved.
To admit Leonides Sexton as the Representative from Rush county .....	1153		Larnie .....	1154	1183
To meet at 7½ o'clock .....	1183		Harrison .....		1186
Calling on Attorney General for an opinion .....	1186		Claypool .....		1197
Requesting Senate to return message concurring in Senate amendment to House bill No. 354 .....	1197		Humphreys .....		1202
To wait on the Governor concerning an adjournment .....	1202		Studabaker .....		1207
To furnish clerk, assistant clerks, and reporters with bound copies of journals .....	1207		Humphreys .....		1208
To furnish reporters .....	1208		Blake .....		1208
To publish Attorney General's report .....	1208		Sherrod .....		1208



